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The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 16th March 1865, and is hereby promulgated for general information :—

Act No. X of 1865.

An Act to amend and define the Law of Intestate and Testamentary Succession in British India.

Preamble.

Whereas it is expedient to amend and define the rules of law applicable to Intestate and Testamentary Succession in British India ; It is enacted as follows :—

PART I.

Preliminary.

Short Title.

1. This Act may be cited as "The Indian Succession Act, 1865."

This Act to constitute the law of British India in cases of Intestate or Testamentary Succession.

2. Except as provided by this Act or by any other law for the time being in force, the rules herein contained shall constitute the law of British India applicable to all cases of Intestate or Testamentary Succession.

Interpretation Clause.

3. In this Act, unless there be something repugnant in the subject or context,—

"Number." "Gender."

Words importing the singular number include the plural: words importign the plural number include the singular ; and words importing the male sexinclude females.

"Person."

"Person" includes any Company or Association, or body of persons, whether incorporated or not.

"Year." "Month."

"Year" and "month" respectively mean a year and month reckoned according to the British Calendar.

"Immoveable property."

"Immoveable property" includes land, incorporeal tenements and things attached to the earth, or permanently fastened to anything which is attached to the earth.

"Moveable property."

"Moveable property" means property of every description except immoveable property.

"Province."

"Province" includes any division of British India having a Court of the last resort.

"British India."

"British India" means the territories which are or may become vested in Her Majesty or her successors by the Statute 21 and 22 Vic., Cap. 106, other than the Settlement of Prince of Wales' Island, Singapore, and Malacca.

"District Judge."

"District Judge" means the Judge of a principal Civil Court of original jurisdiction.

"Minor." "Minority."

"Minor" means any person who shall not have completed the age of eighteen years, and "minority" means the status of such person.

"Will."

"Will" means the legal declaration of the intentions of the testator with respect to his property, which he desires to be carried into effect after his death.

"Codicil."

"Codicil" means an instrument made in relation to a Will, and explaining, altering, or adding to its dispositions. It is considered as forming an additional part of the Will.

"Probate."

"Probate" means the copy of a Will certified under the seal of a Court of competent jurisdiction, with a grant of administration to the estate of the testator.

"Executor."

"Executor" means a person to whom the execution of the last Will of a deceased person is, by the testator's appointment, confided.

"Administrator."

"Administrator" means a person appointed by competent authority to administer the estate of a deceased person when there is no executor.

And in every part of British India to which this Act shall extend, "Local Government" shall mean the person authorized by law to administer Executive Government in such part; and "High Court" shall mean the highest Civil Court of Appeal therein.

"Local Government."

"High Court."

4. No person shall, by marriage, acquire any interest in the property of the person whom he or she marries, nor become incapable of doing any act in respect of his or her own property, which he or she could have done if unmarried.

Interests and powers not acquired nor lost by marriage.

PART II.

Of Domicile.

5. Succession to the immoveable property in British India of a person deceased is regulated by the law of British India, wherever he may have had his domicile at the time of his death. Succession to the moveable property of a person deceased is regulated by the law of the country in which he had his domicile at the time of his death.

Law regulating succession to a deceased person's immoveable and moveable property, respectively.

Illustrations.

(*a.*) A, having his domicile in British India, dies in France, leaving moveable property in France, moveable property in England, and property, both moveable and immoveable, in British India. The succession to the whole is regulated by the law of British India.

(*b.*) A, an Englishman having his domicile in France, dies in British India, and leaves property, both moveable and immoveable, in British India. The succession to the moveable property is regulated by the rules which govern, in France, the succession to the moveable property of an Englishman dying domiciled in France, and the succession to the immoveable property is regulated by the law of British India.

6. A person can only have one domicile for the purpose of succession to his moveable property.

One domicile only affects succession to moveables.

7. The domicile of origin of every person of legitimate birth is in the country in which at the time of his birth his father was domiciled: or, if he is a posthumous child in the country in which his father was domiciled at the time of the father's death.

Domicile of origin of person of legitimate birth.

Illustration.

At the time of the birth of A, his father was domiciled in England. A's domicile of origin is in England, whatever may be the country in which he was born.

8. The domicile of origin of an illegitimate child is in the country in which, at the time of his birth, his mother was domiciled.

Domicile of origin of illegitimate child.

9. The domicile of origin prevails until a new domicile has been acquired.

Continuance of domicile of origin.

10. A man acquires a new domicile by taking up his fixed habitation in a country which is not that of his domicile of origin.

Acquisition of new domicile.

Explanation.—A man is not to be considered as having taken up his fixed habitation in British India merely by reason of his residing there in Her Majesty's Civil or Military Service, or in the exercise of any profession or calling.

Illustrations.

(*a*) A, whose domicile of origin is in England, proceeds to British India, where he settles as a Barrister or a Merchant, intending to reside there during the remainder of his life. His domicile is now in British India.

(*b*) A, whose domicile is in England, goes to Austria, and enters the Austrian service, intending to remain in that service. A has acquired a domicile in Austria.

(*c*) A, whose domicile of origin is in France, comes to reside in British India under an engagement with the British Indian Government for a certain number of years. It is his intention to return to France at the end of that period. He does not acquire a domicile in British India.

(*d*) A, whose domicile is in England, goes to reside in British India for the purpose of winding up the affairs of a partnership which has been dissolved, and with the intention of returning to England as soon as that purpose is accomplished. He does not by such residence acquire a domicile in British India, however long the residence may last.

(*e*) A, having gone to reside in British India under the circumstances mentioned in the last preceding illustration, afterwards alters his intention, and takes up his fixed habitation in British India. A has acquired a domicile in British India.

(*f*) A, whose domicile is in the French Settlement of Chandernagore, is compelled by political events to take refuge in Calcutta, and resides in Calcutta for many years in the hope of such political changes as may enable him to return with safety to Chandernagore. He does not by such residence acquire a domicile in British India.

(*g*) A, having come to Calcutta under the circumstances stated in the last preceding illustration, continues to reside there after such political changes have occurred as would enable him to return with safety to Chandernagore, and he intends that his residence in Calcutta shall be permanent. A has acquired a domicile in British India.

11. Any person may acquire a domicile in British India by making and depositing in some Office in British India (to be fixed by the Local Government), a declaration in writing under his hand of his desire to acquire such domicile, provided that he shall have been resident in British India for one year immediately preceding the time of his making such declaration.

Special mode of acquiring domicile in British India.

Domicile not acquired by residence in a country merely as the representative of a foreign Government, or by residence with him as part of his family or as a servant.

12. A person who is appointed by the Government of one country to be its ambassador, consul or other representative in another country, does not acquire a domicile in the latter country by reason only of residing there in pursuance of his appointment; nor does any other person acquire such domicile by reason only of residing with him as part of his family or as a servant.

Continuance of new domicile.

13. A new domicile continues until the former domicile has been resumed, or another has been acquired.

Minor's domicile.

14. The domicile of a minor follows the domicile of the parent from whom he derived his domicile of origin.

Exception.—The domicile of a minor does not change with that of his parent, if the minor is married or holds any office or employment in the service of Her Majesty, or has set up, with the consent of the parent, in any distinct business.

Domicile acquired by a woman on marriage.

15. By marriage a woman acquires the domicile of her husband, if she had not the same domicile before.

Wife's domicile during marriage.

16. The wife's domicile during the marriage follows the domicile of her husband.

Exception.—The wife's domicile no longer follows that of her husband if they be separated by the sentence of a competent Court, or if the husband is undergoing a sentence of transportation.

Except in cases stated, minor cannot acquire a new domicile.

17. Except in the cases above provided for, a person cannot during minority acquire a new domicile.

Lunatic's acquisition of new domicile.

18. An insane person cannot acquire a new domicile in any other way than by his domicile following the domicile of another person.

Succession to a person's moveable property in British India, in absence of proof of his domicile elsewhere.

19. If a man dies leaving moveable property in British India; in the absence of proof of any domicile elsewhere, succession to the property is regulated by the law of British India.

PART III.

Of Consanguinity.

Kindred or consanguinity.

20. Kindred or consanguinity is the connexion or relation of persons descended from the same stock or common ancestor.

Lineal consanguinity.

21. Lineal consanguinity is that which subsists between two persons, one of whom is descended in a direct line from the other, as between a man and his father, grandfather, and great-grandfather, and so upwards in the direct ascending line; or between a man, his son, grandson, great-grandson, and so downwards in the direct descending line. Every generation constitutes a degree, either ascending or descending. A man's father is related to him in the first degree, and so likewise is his son; his grandfather and grandson in the second degree; his great-grandfather and great-grandson in the third.

Collateral consanguinity.

22. Collateral consanguinity is that which subsists between two persons who are descended from the same stock or ancestor, but neither of whom is descended in a direct line from the other. For the purpose of ascertaining in what degree of kindred any collateral relative stands to a person deceased, it is proper to reckon upwards from the person deceased to the common stock, and then downwards to the collateral relative, allowing a degree for each person, both ascending and descending.

Persons held for purpose of succession to be similarly related to the deceased.

23. For the purpose of succession, there is no distinction between those who are related to a person deceased through his father and those who are related to him through his mother; nor between those who are related to him by the full blood, and those who are related to him by the half blood; nor between those who were actually born in his lifetime, and those who at the date of his death were only conceived in the womb, but who have been subsequently born alive.

Mode of computing degrees of kindred.

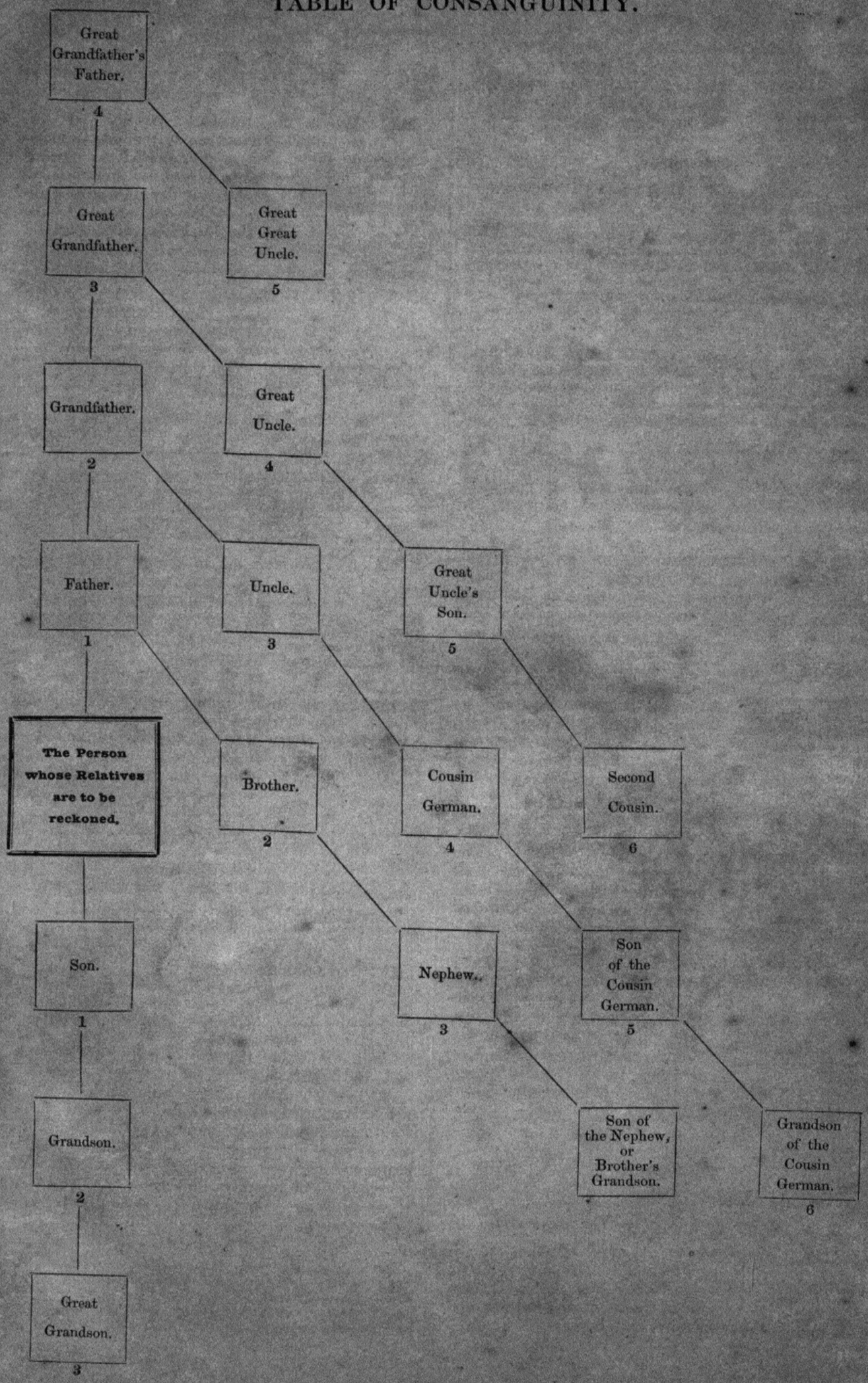
24. In the annexed table of kindred the degrees are computed as far as the sixth, and are marked by numeral figures.

The person whose relatives are to be reckoned, and his cousin-german, or first cousin, are, as shown in the table, related in the fourth degree; there being one degree of ascent to the father, and another to the common ancestor the grandfather; and from him one of descent to the uncle, and another to the cousin-german; making in all four degrees.

A grandson of the brother and a son of the uncle, *i. e.*, a great-nephew and a cousin-german, are in equal degree, being each four degrees removed.

A grandson of a cousin-german is in the same degree as the grandson of a great uncle, for they are both in the sixth degree of kindred.

TABLE OF CONSANGUINITY.



PART IV.

Of Intestacy.

As to what property a deceased person is considered to have died intestate.

25. A man is considered to die intestate in respect of all property of which he has not made a testamentary disposition which is capable of taking effect.

Illustrations.

(*a.*) A has left no Will. He has died intestate in respect of the whole of his property.

(*b.*) A has left a Will, whereby he has appointed B his executor; but the Will contains no other provisions. A has died intestate in respect of the distribution of his property.

(*c.*) A has bequeathed his whole property for an illegal purpose. A has died intestate in respect of the distribution of his property.

(*d.*) A has bequeathed 1,000*l* to B, and 1,000*l* to the eldest son of C, and has made no other bequest; and has died leaving the sum of 2,000*l* and no other property. C died before A without having ever had a son. A has died intestate in respect of the distribution of 1,000*l*.

Devolution of such property.

26. Such property devolves upon the wife or husband, or upon those who are of the kindred of the deceased, in the order and according to the rules herein prescribed.

Explanation.—The widow is not entitled to the provision hereby made for her, if by a valid contract made before her marriage she has been excluded from her distributive share of her husband's estate.

Where the intestate has left a widow and lineal descendants, or a widow and kindred only, or a widow and no kindred.

27. Where the intestate has left a widow, if he has also left any lineal descendants, one-third of his property shall belong to his widow, and the remaining two-thirds shall go to his lineal descendants, according to the rules herein contained. If he has left no lineal descendant, but has left persons who are of kindred to him, one-half of his property shall belong to his widow, and the other half shall go to those who are of kindred to him, in the order and according to the rules herein contained. If he has left none who are of kindred to him, the whole of his property shall belong to his widow.

Where the intestate has left no widow, and where he has left no kindred.

28. Where the intestate has left no widow, his property shall go to his lineal descendants or to those who are of kindred to him, not being lineal descendants, according to the rules herein contained: and if he has left none who are of kindred to him, it shall go to the Crown.

PART V.

Of the Distribution of an Intestate's Property.

(*a*) *Where he has left lineal descendants.*

Rules of distribution.

29. The rules for the distribution of the intestate's property (after deducting the widow's share, if he has left a widow) amongst his lineal descendants are as follows:—

Where the intestate has left a child or children only.

30. Where the intestate has left surviving him a child or children, but no more remote lineal descendant through a deceased child, the property shall belong to his surviving child, if there be only one, or shall be equally divided among all his surviving children.

Where the intestate has left no child, but a grandchild or grand-children.

31. Where the intestate has not left surviving him any child, but has left a grandchild or grandchildren, and no more remote descendant through a deceased grandchild, the property shall belong to his surviving grandchild, if there be only one, or shall be equally divided among all his surviving grandchildren.

Illustrations.

(*a*) A has three children, and no more; John, Mary, and Henry. They all die before the father, John leaving two children, Mary three, and Henry four. Afterwards A dies intestate, leaving those nine grandchildren and no descendant of any deceased grandchild. Each of his grandchildren shall have one-ninth.

(*b*) But if Henry has died, leaving no child, then the whole is equally divided between the intestate's five grandchildren, the children of John and Mary.

(*c*) A has two children, and no more; John and Mary. John dies before his father, leaving his wife pregnant. Then A dies, leaving Mary surviving him, and in due time a child of John is born. A's property is to be equally divided between Mary and such posthumous child.

Where the intestate has left only great grandchildren or lineal descendants in a remoter degree.

32. In like manner the property shall go to the surviving lineal descendants who are nearest in degree to the intestate, where they are all in the degree of great-grandchildren to him, or are all in a more remote degree.

Where the intestate leaves lineal descendants not all in the same degree of kindred to him, and those through whom the more remote descend are dead.

33. If the intestate has left lineal descendants who do not all stand in the same degree of kindred to him, and the persons through whom the more remote are descended from him are dead, the property shall be divided into such a number of equal shares as may correspond with the number of the lineal descendants of the intestate who either stood in the nearest degree of kindred to him at his decease, or, having been of the like degree of kindred to him, died before him, leaving lineal descendants who survived him; and one of such shares shall be allotted to each of the lineal descendants who stood in the nearest degree of kindred to the intestate at his decease; and one of such shares shall be allotted in respect of each of such deceased lineal descendants; and the share allotted in respect of each of such deceased lineal descendants shall belong to his surviving child or children or more remote lineal descendants, as the case may be; such surviving child or children or more remote lineal descendants always taking the share which his or their parent or parents would have been entitled to respectively if such parent or parents had survived the intestate.

Illustrations.

(*a*) A had three children, John, Mary, and Henry; John died, leaving four children, and Mary died, leaving one, and Henry alone survived the father. On the death of A intestate, one-third is allotted to Henry, one-third to John's four children, and the remaining third to Mary's one child.

(b) A left no child, but left eight grandchildren, and two children of a deceased grandchild. The property is divided into nine parts, one of which is allotted to each grandchild; and the remaining one-ninth is equally divided between the two great-grandchildren.

(c) A has three children, John, Mary, and Henry. John dies leaving four children, and one of John's children dies leaving two children. Mary dies leaving one child. A afterwards dies intestate. One-third of his property is allotted to Henry, one-third to Mary's child; and one-third is divided into four parts, one of which is allotted to each of John's three surviving children, and the remaining part is equally divided between John's two grandchildren.

(b) Where the Intestate has left no lineal descendants.

Rules of distribution where the intestate has left no lineal descendants.

34. Where an intestate has left no lineal descendants, the rules for the distribution of his property (after deducting the widow's share, if he has left a widow) are as follows :—

Where intestate's father is living.

35. If the intestate's father be living, he shall succeed to the property.

Where intestate's father is dead, but his mother, brothers and sisters are living.

36. If the intestate's father is dead, but the intestate's mother is living, and there are also brothers or sisters of the intestate living, and there is no child living of any deceased brother or sister, the mother and each living brother or sister shall succeed to the property in equal shares.

Illustration.

A dies intestate, survived by his mother and two brothers of the full blood, John and Henry, and a sister Mary, who is the daughter of his mother, but not of his father. The mother takes one-fourth, each brother takes one-fourth, and Mary, the sister of half blood, takes one-fourth.

Where intestate's father is dead and his mother, a brother or sister, and children of any deceased brother or sister are living.

37. If the intestate's father is dead, but the intestate's mother is living, and if any brother or sister, and the child or children of any brother or sister who may have died in the intestate's life-time are also living, then the mother and each living brother or sister, and the living child or children of each deceased brother or sister, shall be entitled to the property in equal shares, such children (if more than one) taking in equal shares only the shares which their respective parents would have taken if living at the intestate's death.

Illustration.

A the intestate leaves his mother, his brothers John and Henry, and also one child of a deceased sister Mary, and two children of George, a deceased brother of the half blood, who was the son of his father but not of his mother. The mother takes one-fifth, John and Henry each take one-fifth, the child of Mary takes one-fifth, and the two children of George divide the remaining one-fifth equally between them.

Where intestate's father is dead and his mother and the children of any deceased brother or sister are living.

38. If the intestate's father is dead, but the intestate's mother is living, and the brothers and sisters are all dead, but all or any of them have left children who survived the intestate, the mother and the child or children of each deceased brother or sister shall be entitled to the property in equal shares, such children (if more than one) taking in equal shares only the share which their respective parents would have taken if living at the intestate's death.

Illustration.

A the intestate leaves no brother or sister, but leaves his mother and one child of a deceased sister Mary, and two children of a deceased brother George. The mother takes one-third, the child of Mary takes one-third, and the children of George divide the remaining one-third equally between them.

Where intestate's father is dead, but his mother is living and there is no brother nor sister nor nephew.

39. If the intestate's father is dead, but the intestate's mother is living, and there is neither brother nor sister, nor child of any brother or sister of the intestate, the property shall belong to the mother.

Where intestate has left neither lineal descendant nor father nor mother.

40. Where the intestate has left neither lineal descendant nor father nor mother, the property is divided equally between his brothers and sisters and the child or children of such of them as may have died before him, such children (if more than one) taking in equal shares only the share which their respective parents would have taken if living at the intestate's death.

Where intestate has left neither lineal descendant, nor parent, nor brother nor sister.

41. If the intestate left neither lineal descendant, nor parent, nor brother, nor sister, his property shall be divided equally among those of his relatives who are in the nearest degree of kindred to him.

Illustrations.

(a) A, the intestate, has left a grandfather and a grandmother, and no other relative standing in the same or a nearer degree of kindred to him. They, being in the second degree, will be entitled to the property in equal shares, exclusive of any uncle or aunt of the intestate, uncles and aunts being only in the third degree.

(b) A, the intestate, has left a great-grandfather or great-grandmother, and uncles and aunts, and no other relative standing in the same or a nearer degree of kindred to him. All of these being in the third degree shall take equal shares.

(c) A, the intestate, left a great-grandfather, an uncle, and a nephew, but no relative standing in a nearer degree of kindred to him. All of these being in the third degree shall take equal shares.

(d) Ten children of one brother or sister of the intestate, and one child of another brother or sister of the intestate, constitute the class of relatives of the nearest degree of kindred to him. They shall each take one-eleventh of the property.

Children's advancements not to be brought into hotch-pot.

42. Where a distributive share in the property of a person who has died intestate shall be claimed by a child, or any descendant of a child of such person, no money or other property which the intestate may during his life have paid, given, or settled to or for the advancement of the child by whom or by whose descendant the claim is made, shall be taken into account in estimating such distributive share.

PART VI.

Of the Effect of Marriage and Marriage Settlements on Property.

Rights of widower and widow respectively.

43. The husband surviving his wife has the same rights in respect of her property, if she die intestate, as the widow has in respect of her husband's property, if he die intestate.

44. If a person whose domicile is not in British India marries in British India a person whose domicile is in British India, neither party acquires by the marriage any rights in respect of any property of the other party not comprised in a settlement made previous to the marriage, which he or she would not acquire thereby if both were domiciled in British India at the time of the marriage.

No rights to property not comprised in an antenuptial settlement, acquired by marriage between a person domiciled and a person not domiciled in British India.

45. The property of a minor may be settled in contemplation of marriage, provided the settlement be made by the minor with the approbation of the minor's father, or if he be dead or absent from British India, with the approbation of the High Court.

Settlement of minor's property in contemplation of marriage.

PART VII.

Of Wills and Codicils.

46. Every person of sound mind and not a minor may dispose of his property by Will.

Persons capable of making Wills.

Explanation 1.—A married woman may dispose by Will of any property which she could alienate by her own act during her life.

Explanation 2.—Persons who are deaf, or dumb, or blind are not thereby incapacitated for making a Will if they are able to know what they do by it.

Explanation 3.—One who is ordinarily insane may make a Will during an interval in which he is of sound mind.

Explanation 4.—No person can make a Will while he is in such a state of mind, whether arising from drunkenness, or from illness, or from any other cause, that he does not know what he is doing.

Illustrations.

(*a*) A can perceive what is going on in his immediate neighbourhood, and can answer familiar questions, but has not a competent understanding as to the nature of his property, or the persons who are of kindred to him, or in whose favour it would be proper that he should make his Will. A cannot make a valid Will.

(*b*) A executes an instrument purporting to be his Will, but he does not understand the nature of this instrument nor the effect of its provisions. This instrument is not a valid Will.

(*c*) A being very feeble and debilitated, but capable of exercising a judgment as to the proper mode of disposing of his property, makes his Will. This is a valid Will.

47. A father whatever his age may be, may by Will appoint a guardian or guardians for his child during minority.

Testamentary guardian.

48. A Will or any part of a Will, the making of which has been caused by fraud or coercion, or by such importunity as takes away the free agency of the testator, is void.

Will obtained by fraud, coercion or importunity.

Illustrations.

(*a*) A falsely and knowingly represents to the testator that the testator's only child is dead, or that he has done some undutiful act, and thereby induces the testator to make a Will in his, A's favour; such Will has been obtained by fraud, and is invalid.

(*b*) A by fraud and deception prevails upon the testator to bequeath a legacy to him. The bequest is void.

(*c*) A, being a prisoner by lawful authority, makes his Will. The Will is not invalid by reason of the imprisonment.

(*d*) A threatens to shoot B, or to burn his house, or to cause him to be arrested on a criminal charge, unless he makes a bequest in favour of C. B in consequence makes a bequest in favour of C. The bequest is void, the making of it having been caused by coercion.

(*e*) A being of sufficient intellect, if undisturbed by the influence of others, to make a Will, yet being so much under the control of B that he is not a free agent, makes a Will dictated by B. It appears that he would not have executed the Will but for fear of B. The Will is invalid.

(*f*) A being in so feeble a state of health as to be unable to resist importunity, is pressed by B to make a Will of a certain purport, and does so merely to purchase peace, and in submission to B. The Will is invalid.

(*g*) A being in such a state of health as to be capable of exercising his own judgment and volition, B uses urgent intercession and persuasion with him to induce him to make a Will of a certain purport. A, in consequence of the intercession and persuasion, but in the free exercise of his judgment and volition, makes his Will in the manner recommended by B. The Will is not rendered invalid by the intercession and persuasion of B.

(*h*) A with a view to obtaining a legacy from B, pays him attention and flatters him, and thereby produces in him a capricious partiality to A. B, in consequence of such attention and flattery, makes his Will, by which he leaves a legacy to A. The bequest is not rendered invalid by the attention and flattery of A.

49. A Will is liable to be revoked or altered by the maker of it at any time when he is competent to dispose of his property by Will.

Will may be revoked or altered.

PART VIII.

Of the Execution of unprivileged Wills.

50. Every testator, not being a soldier employed in an expedition, or engaged in actual warfare, or a mariner at sea, must execute his Will according to the following rules:—

Execution of unprivileged Wills.

First.—The testator shall sign or shall affix his mark to the Will, or it shall be signed by some other person in his presence and by his direction.

Second.—The signature or mark of the testator or the signature of the person signing for him shall be so placed that it shall appear that it was intended thereby to give effect to the writing as a Will.

Third.—The Will shall be attested by two or more witnesses, each of whom must have seen the testator sign or affix his mark to the Will, or have seen some other person sign the Will in the presence and by the direction of the testator, or have received from the testator a personal acknowledgment of his signature or mark, or of the signature of such other person; and each of the witnesses must sign the Will in the presence of the testator, but it shall not be necessary that more than one witness be present at the same time, and no particular form of attestation shall be necessary.

51. If a testator, in a Will or Codicil duly attested, refers to any other document then actually written, as expressing any part of his intentions, such document shall be considered as forming a part of the Will or Codicil in which it is referred to.

Incorporation of papers by reference.

PART IX.

Of Privileged Wills.

Privileged Will.

52. Any soldier being employed in an expedition, or engaged in actual warfare, or any mariner being at sea, may, if he has completed the age of eighteen years, dispose of his property by a Will made as is mentioned in the fifty-third Section. Such Wills are called privileged Wills.

Illustrations.

(*a*) A, the surgeon of a regiment, is actually employed in an expedition. He is a soldier actually employed in an expedition, and can make a privileged Will.

(*b*) A is at sea in a merchant ship, of which he is the purser. He is a mariner, and being at sea can make a privileged Will.

(*c*) A, a soldier serving in the field against insurgents, is a soldier engaged in actual warfare, and as such can make a privileged Will.

(*d*) A, a mariner of a ship in the course of a voyage, is temporarily on shore while she is lying in harbour. He is, in the sense of the words used in this clause, a mariner at sea, and can make a privileged Will.

(*e*) A, an admiral who commands a naval force, but who lives on shore, and only occasionally goes on board his ship, is not considered as at sea, and cannot make a privileged Will.

(*f*) A, a mariner serving on a Military expedition, but not being at sea, is considered as a soldier, and can make a privileged Will.

Mode of making, and rules for executing, privileged Wills.

53. Privileged Wills may be in writing, or may be made by word of mouth. The execution of them shall be governed by the following rules:—

First.—The Will may be written wholly by the testator, with his own hand. In such case it need not be signed nor attested.

Second.—It may be written wholly or in part by another person, and signed by the testator. In such case it need not be attested.

Third.—If the instrument purporting to be a Will is written wholly or in part by another person, and is not signed by the testator, it shall be considered to be his Will, if it be shown that it was written by the testator's directions, or that he recognized it as his Will. If it appear on the face of the instrument, that the execution of it in the manner intended by him was not completed, the instrument shall not by reason of that circumstance be invalid, provided that his non-execution of it can be reasonably ascribed to some cause other than the abandonment of the testamentary intentions expressed in the instrument.

Fourth.—If the soldier or mariner shall have written instructions for the preparation of his Will, but shall have died before it could be prepared and executed, such instructions shall be considered to constitute his Will.

Fifth.—If the soldier or mariner shall in the presence of two witnesses have given verbal instructions for the preparation of his Will, and they shall have been reduced into writing in his life-time, but he shall have died before the instrument could be prepared and executed, such instructions shall be considered to constitute his Will, although they may not have been reduced into writing in his presence, nor read over to him.

Sixth.—Such soldier or mariner as aforesaid may make a Will by word of mouth by declaring his intentions before two witnesses present at the same time.

Seventh.—A Will made by word of mouth shall be null at the expiration of one month after the testator shall have ceased to be entitled to make a privileged Will.

PART X.

Of the Attestation, Revocation, Alteration and Revival of Wills.

Effect of gift to attesting witness.

54. A Will shall not be considered as insufficiently attested by reason of any benefit thereby given, either by way of bequest or by way of appointment, to any person attesting it, or to his or her wife or husband: but the bequest or appointment shall be void so far as concerns the person, so attesting, or the wife or husband of such person, or any person claiming under either of them.

Explanation.—A legatee under a Will does not lose his legacy by attesting a Codicil which confirms the Will.

Witness not disqualified by interest or by being executor.

55. No person, by reason of interest in or of his being an executor of a Will, is disqualified as a witness to prove the execution of the Will or to prove the validity or invalidity thereof.

Revocation of Will by testator's marriage.

56. Every Will shall be revoked by the marriage of the maker, except a Will made in exercise of a power of appointment, when the property over which the power of appointment is exercised would not in default of such appointment pass to his or her executor, or administrator, or to the person entitled in case of intestacy.

Power of appointment defined.

Explanation.—Where a man is invested with power to determine the disposition of property of which he is not the owner, he is said to have power to appoint such property.

Revocation of unprivileged Will or Codicil.

57. No unprivileged Will or Codicil, nor any part thereof, shall be revoked otherwise than by marriage, or by another Will or Codicil, or by some writing declaring an intention to revoke the same, and executed in the manner in which an unprivileged Will is hereinbefore required to be executed, or by the burning, tearing, or otherwise destroying the same by the testator, or by some person in his presence and by his direction, with the intention of revoking the same.

Illustrations.

(*a*) A has made an unprivileged Will; afterwards A makes another unprivileged Will which purports to revoke the first. This is a revocation.

(*b*) A has made an unprivileged Will. Afterwards, A being entitled to make a privileged Will, makes a privileged Will, which purports to revoke his unprivileged Will. This is a revocation.

Effect of obliteration, interlineation, or alteration in unprivileged Will

58. No obliteration, interlineation, or other alteration made in any unprivileged Will after the execution thereof shall have any effect, except so far as the words or meaning of the Will shall have been thereby rendered illegible or undiscernible, unless

such alteration shall be executed in like manner as hereinbefore is required for the execution of the Will; save that the Will, as so altered, shall be deemed to be duly executed if the signature of the testator and the subscription of the witnesses be made in the margin or on some other part of the Will opposite or near to such alteration, or at the foot or end of or opposite to a memorandum referring to such alteration, and written at the end or some other part of the Will.

Revocation of privileged Will or Codicil.

59. A privileged Will or Codicil may be revoked by the testator, by an unprivileged Will or Codicil, or by any act expressing an intention to revoke it, and accompanied with such formalities as would be sufficient to give validity to a privileged Will, or by the burning, tearing, or otherwise destroying the same by the testator, or by some person in his presence and by his direction, with the intention of revoking the same.

Explanation.—In order to the revocation of a privileged Will or Codicil by an act accompanied with such formalities as would be sufficient to give validity to a privileged Will, it is not necessary that the testator should at the time of doing that act be in a situation which entitles him to make a privileged Will.

Revival of unprivileged Will.

60. No unprivileged Will or Codicil, nor any part thereof, which shall be in any manner revoked, shall be revived otherwise than by the re-execution thereof, or by a Codicil executed in manner hereinbefore required, and showing an intention to revive the same; and when any Will or Codicil which shall be partly revoked, and afterwards wholly revoked, shall be revived, such revival shall not extend to so much thereof as shall have been revoked before the revocation of the whole thereof, unless an intention to the contrary shall be shown by the Will or Codicil.

Extent of revival of Will or Codicil partly revoked and afterwards wholly revoked.

PART XI.

Of the Construction of Wills.

Wording of Will.

61. It is not necessary that any technical words or terms of art shall be used in a Will, but only that the wording shall be such that the intentions of the testator can be known therefrom.

Enquiries to determine questions as to object or subject of Will.

62. For the purpose of determining questions as to what person or what property is denoted by any words used in a Will, a Court must inquire into every material fact relating to the persons who claim to be interested under such Will, the property which is claimed as the subject of disposition, the circumstances of the testator and of his family, and into every fact a knowledge of which may conduce to the right application of the words which the testator has used.

Illustrations.

(*a*) A, by his Will, bequeaths 1,000 rupees to his eldest son, or to his youngest grandchild, or to his cousin Mary. A Court may make inquiry in order to ascertain to what person the description in the Will applies.

(*b*) A by his Will leaves to B "his estate called Black Acre." It may be necessary to take evidence in order to ascertain what is the subject-matter of the bequest; that is to say, what estate of the testator's is called Black Acre.

(*c*) A, by his Will, leaves to B "the estate which he purchased of C." It may be necessary to take evidence in order to ascertain what estate the testator purchased of C.

Misnomer or misdescription of object.

63. Where the words used in the Will to designate or describe a legatee, or a class of legatees, sufficiently show what is meant, an error in the name or description shall not prevent the legacy from taking effect. A mistake in the name of a legatee may be corrected by a description of him, and a mistake in the description of a legatee may be corrected by the name.

Illustrations.

(*a*) A bequeaths a legacy "to Thomas, the second son of his brother John." The testator has an only brother, named John, who has no son named Thomas, but has a second son whose name is William. William shall have the legacy.

(*b*) A bequeaths a legacy "to Thomas, the second son of his brother John." The testator has an only brother named John, whose first son is named Thomas, and whose second son is named William. Thomas shall have the legacy.

(*c*) The testator bequeaths his property "to A and B, the legitimate children of C." C has no legitimate child, but has two illegitimate children, A and B. The bequest to A and B takes effect, although they are illegitimate.

(*d*) The testator gives his residuary estate to be divided among "his seven children," and proceeding to enumerate them, mentions six names only. This omission shall not prevent the seventh child from taking a share with the others.

(*e*) The testator having six grandchildren, makes a bequest to "his six grandchildren," and proceeding to mention them by their Christian names, mentions one twice over, omitting another altogether. The one whose name is not mentioned shall take a share with the others.

(*f*) The testator bequeaths "1,000 rupees to each of the three children of A." At the date of the Will, A has four children. Each of these four children shall, if he survives the testator, receive a legacy of 1,000 rupees.

When words may be supplied.

64. Where any word material to the full expression of the meaning has been omitted, it may be supplied by the context.

Illustration.

The testator gives a legacy of "five hundred" to his daughter A, and a legacy of "five hundred rupees" to his daughter B. A shall take a legacy of five hundred rupees.

Rejection of erroneous particulars in description of subject.

65. If the thing which the testator intended to bequeath can be sufficiently identified from the description of it given in the Will, but some parts of the description do not apply, such parts of the description shall be rejected as erroneous, and the bequest shall take effect.

Illustrations.

(*a*) A bequeaths to B "his marsh lands lying in L, and in the occupation of X." The testator had marsh lands lying in L, but had no marsh lands in the occupation of X. The words "in the occupation of X" shall be rejected as erroneous, and the marsh lands of the testator lying in L shall pass by the bequest.

(*b*) The testator bequeaths to A "his zamíndárí of Rampore." He had an estate at Rampore, but it was a taluk and not a zamíndárí. The taluk passes by this bequest.

When part of description may not be rejected as erroneous

66. If the Will mentions several circumstances as descriptive of the thing which the testator intends to bequeath, and there is any property of his in respect of which all those circumstances exist, the bequest shall be considered as limited to such property, and it shall not be lawful to reject any part of the description as erroneous, because the testator had other property to which such part of the description does not apply.

Explanation.—In judging whether a case falls within the meaning of this Section, any words which would be liable to rejection under the sixty-fifth Section are to be considered as struck out of the Will.

Illustrations.

(*a*) A bequeaths to B "his marsh lands lying in L, and in the occupation of X." The testator had marsh lands lying in L, some of which were in the occupation of X, and some not in the occupation of X. The bequest shall be considered as limited to such of the testator's marsh lands lying in L as were in the occupation of X.

(*b*) A bequeaths to B "his marsh lands lying in L, and in the occupation of X, comprising 1,000 bighás of land." The testator had marsh lands lying in L, some of which were in the occupation of X, and some not in the occupation of X. The measurement is wholly inapplicable to the marsh lands of either class, or to the whole taken together. The measurement shall be considered as struck out of the Will, and such of the testator's marsh lands lying in L, as were in the occupation of X, shall alone pass by the bequest.

Extrinsic evidence admissible in case of latent ambiguity.

67. Where the words of the Will are unambiguous, but it is found by extrinsic evidence that they admit of applications, one only of which can have been intended by the testator, extrinsic evidence may be taken to show which of these applications was intended.

Illustrations.

(*a*) A man having two cousins of the name of Mary, bequeaths a sum of money to "his cousin Mary." It appears that there are two persons, each answering the description in the Will. That description, therefore, admits of two applications, only one of which can have been intended by the testator. Evidence is admissible to show which of the two applications was intended.

(*b*) A, by his Will, leaves to B "his estate called Sultánpur Khurd." It turns out that he had two estates called Sultánpur Khurd. Evidence is admissible to show which estate was intended.

Extrinsic evidence inadmissible in cases of patent ambiguity or deficiency.

68. Where there is an ambiguity or deficiency on the face of the Will, no extrinsic evidence as to the intentions of the testator shall be admitted.

Illustrations.

(*a*) A man has an aunt Caroline and a cousin Mary, and has no aunt of the name of Mary. By his Will he bequeaths 1,000 rupees to "his aunt Caroline" and 1,000 rupees to "his cousin Mary," and afterwards bequeaths 2,000 rupees to "his before-mentioned aunt Mary." There is no person to whom the description given in the Will can apply, and evidence is not admissible to show who was meant by "his before-mentioned aunt Mary." The bequest is therefore void for uncertainty under the seventy-sixth Section.

(*b*). A bequeaths 1,000 rupees to , leaving a blank for the name of the legatee. Evidence is not admissible to show what name the testator intended to insert.

(*c*) A bequeaths to B rupees, or "his estate of ." Evidence is not admissible to show what sum or what estate the testator intended to insert.

Meaning of any clause to be collected from entire Will

69. The meaning of any clause in a Will is to be collected from the entire instrument, and all its parts are to be construed with reference to each other; and for this purpose a Codicil is to be considered as part of the Will.

Illustrations.

(*a*) The testator gives to B a specific fund or property at the death of A, and by a subsequent clause gives the whole of his property to A. The effect of the several clauses taken together is to vest the specific fund or property in A for life, and after his decease in B; it appearing from the bequest to B that the testator meant to use in a restricted sense the words in which he describes what he gives to A.

(*b*) Where a testator having an estate, one part of which is called Black Acre, bequeaths the whole of his estate to A, and in another part of his Will bequeaths Black Acre to B, the latter bequest is to be read as an exception out of the first, as if he had said, "I give Black Acre to B, and all the rest of my estate to A."

When words may be understood in a restricted sense, and when in a sense wider than usual.

70. General words may be understood in a restricted sense when it may be collected from the Will that the testator meant to use them in a restricted sense; and words may be understood in a wider sense than that which they usually bear, where it may be collected from the other words of the Will that the testator meant to use them in such wider sense.

Illustrations.

(*a*) A testator gives to A "his farm in the occupation of B," and to C "all his marsh lands in L." Part of the farm in the occupation of B consists of marsh lands in L, and the testator also has other marsh lands in L. The general words, "all his marsh lands in L," are restricted by the gift to A. A takes the whole of the farm in the occupation of B, including that portion of the farm which consists of marsh lands in L.

(*b*) The testator (a sailor on ship-board) bequeathed to his mother his gold ring, buttons, and chest of clothes, and to his friend A (a shipmate) his red box, clasp-knife, and all things not before bequeathed. The testator's share in a house does not pass to A under this bequest.

(*c*) A, by his Will, bequeathed to B all his household furniture, plate, linen, china, books, pictures, and all other goods of whatever kind; and afterwards bequeathed to B a specified part of his property. Under the first bequest B is entitled only to such articles of the testator's as are of the same nature with the articles therein enumerated.

Where a clause is open to two constructions, that which has some effect is to be preferred.

71. Where a clause is susceptible of two meanings, according to one of which it has some effect, and according to the other it can have none, the former is to be preferred.

No part of Will to be rejected, if reasonable construction can be put on it.

72. No part of a Will is to be rejected as destitute of meaning if it is possible to put a reasonable construction upon it.

Interpretation of words repeated in different parts of Will.

73. If the same words occur in different parts of the same Will, they must be taken to have been used everywhere in the same sense, unless there appears an intention to the contrary.

Testator's intention to be effectuated as far as possible.

74. The intention of the testator is not to be set aside because it cannot take effect to the full extent, but effect is to be given to it as far as possible.

Illustration.

The testator by a Will made on his death-bed bequeathed all his property to C D for life, and after his decease to a certain hospital. The intention of the testator cannot take effect to its full extent, because the gift to the hospital is void under the hundred and fifth Section, but it shall take effect so far as regards the gift to C D.

The last of two inconsistent clauses prevails.

75. Where two clauses or gifts in a Will are irreconcileable, so that they cannot possibly stand together, the last shall prevail.

Illustrations.

(*a*) The testator by the first clause of his Will leaves his estate of Rámnagar "to A," and by the last clause of his Will leaves it "to B and not to A." B shall have it.

(*b*) If a man at the commencement of his Will gives his house to A, and at the close of it directs that his house shall be sold and the proceeds invested for the benefit of B, the latter disposition shall prevail.

Will or bequest void for uncertainty.

76. A Will or bequest not expressive of any definite intention is void for uncertainty.

Illustration.

If a testator says—"I bequeath goods to A;" or "I bequeath to A;" or "I leave to A all the goods mentioned in a Schedule," and no Schedule is found; or "I bequeath 'money,' 'wheat,' 'oil,' or the like," without saying how much, this is void.

Words describing subject refer to property answering that description at testator's death.

77. The description contained in a Will, of property the subject of gift, shall, unless a contrary intention appear by the Will, be deemed to refer to and comprise the property answering that description at the death of the testator.

Power of appointment executed by general bequest.

78. Unless a contrary intention shall appear by the Will, a bequest of the estate of the testator shall be construed to include any property which he may have power to appoint by Will to any object he may think proper, and shall operate as an execution of such power; and a bequest of property described in a general manner shall be construed to include any property to which such description may extend, which he may have power to appoint by Will to any object he may think proper, and shall operate as an execution of such power.

Implied gift to the objects of a power in default of appointment.

79. Where property is bequeathed to or for the benefit of such of certain objects as a specified person shall appoint, or for the benefit of certain objects in such proportions as a specified person shall appoint; and the Will does not provide for the event of no appointment being made; if the power given by the Will be not exercised, the property belongs to all the objects of the power in equal shares.

Illustration.

A, by his Will, bequeaths a fund to his wife for her life, and directs that at her death it shall be divided among his children in such proportions as she shall appoint. The widow dies without having made any appointment. The fund shall be divided equally among the children.

Bequest to "heirs," &c., of a particular person without qualifying terms.

80. Where a bequest is made to the "heirs," or "right heirs," or "relations," or "nearest relations," or "family," or "kindred," or "nearest of kin," or "next of kin," of a particular person, without any qualifying terms, and the class so designated forms the direct and independent object of the bequest, the property bequeathed shall be distributed as if it had belonged to such person, and he had died intestate in respect of it, leaving assets for the payment of his debts independently of such property.

Illustrations.

(*a*) A leaves his property "to his own nearest relations." The property goes to those who would be entitled to it if A had died intestate, leaving assets for the payment of his debts independently of such property.

(*b*) A bequeaths 10,000 rupees "to B for his life, and after the death of B, to his own right heirs." The legacy after B's death belongs to those who would be entitled to it if it had formed part of A's unbequeathed property.

(*c*) A leaves his property to B; but if B dies before him, to B's next of kin: B dies before A; the property devolves as if it had belonged to B, and he had died intestate leaving assets for the payment of his debts independently of such property.

(*d*) A leaves 10,000 rupees "to B for his life, and after his decease, to the heirs of C." The legacy goes as if it had belonged to C, and he had died intestate, leaving assets for the payment of his debts independently of the legacy.

Bequest to "representatives," &c., of a particular person.

81. Where a bequest is made to the "representatives," or "legal representatives," or "personal representatives," or "executors or administrators" of a particular person, and the class so designated forms the direct and independent object of the bequest, the property bequeathed shall be distributed as if it had belonged to such person, and he had died intestate in respect of it.

Illustration.

(*a*) A bequest is made to the "legal representatives of A. A has died intestate and insolvent. B is his administrator. B is entitled to receive the legacy, and shall apply it in the first place to the discharge of such part of A's debts as may remain unpaid: if there be any surplus, B shall pay it to those persons who at A's death would have been entitled to receive any property of A's which might remain after payment of his debts, or to the representatives of such persons.

Bequest without words of limitation.

82. Where property is bequeathed to any person, he is entitled to the whole interest of the testator therein, unless it appears from the Will that only a restricted interest was intended for him.

Bequest in the alternative.

83. Where property is bequeathed to a person, with a bequest in the alternative to another person or to a class of persons;—if a contrary intention does not appear by the Will, the legatee first named shall be entitled to the legacy, if he be alive at the time when it takes effect; but if he be then dead, the person or class of persons named in the second branch of the alternative shall take the legacy.

Illustrations.

(*a*) A bequest is made to A or to B. A survives the testator. B takes nothing.

(*b*) A bequest is made to A or to B. A dies after the date of the Will, and before the testator. The legacy goes to B.

(*c*) A bequest is made to A or to B. A is dead at the date of the Will. The legacy goes to B.

(*d*) Property is bequeathed to A or his heirs. A survives the testator. A takes the property absolutely.

(e) Property is bequeathed to A or his nearest of kin. A dies in the lifetime of the testator. Upon the death of the testator, the bequest to A's nearest of kin takes effect.

(f) Property is bequeathed to A for life, and after his death to B or his heirs. A and B survive the testator. B dies in A's lifetime. Upon A's death the bequest to the heirs of B takes effect.

(g) Property is bequeathed to A for life, and after his death to B or his heirs. B dies in the testator's lifetime. A survives the testator. Upon A's death the bequest to the heirs of B takes effect.

Effect of words describing a class added to a bequest to a person.

84. Where property is bequeathed to a person, and words are added which describe a class of persons, but do not denote them as direct objects of a distinct and independent gift, such person is entitled to the whole interest of the testator therein, unless a contrary intention appears by the Will.

Illustrations.

(a) A bequest is made—

to A and his children,
to A and his children by his present wife,
to A and his heirs,
to A and the heirs of his body,
to A and the heirs male of his body,
to A and the heirs female of his body,
to A and his issue,
to A and his family,
to A and his descendants,
to A and his representatives,
to A and his personal representatives,
to A, his executors and administrators.

In each of these cases, A takes the whole interest which the testator had in the property.

(b) A bequest is made to A and his brothers. A and his brothers are jointly entitled to the legacy.

(c) A bequest is made to A for life, and after his death to his issue. At the death of A the property belongs in equal shares to all persons who shall then answer the description of issue of A.

Bequest to a class of persons under a general description only.

85. Where a bequest is made to a class of persons under a general description only, no one to whom the words of the description are not in their ordinary sense applicable shall take the legacy.

Construction of terms.

86. The word "children" in a Will applies only to lineal descendants in the first degree; the word "grandchildren" applies only to lineal descendants in the second degree of the person whose "children," or "grandchildren," are spoken of; the words "nephews" and "nieces" apply only to children of brothers or sisters; the words "cousins" or "first cousins," or "cousins-german" apply only to children of brothers or of sisters of the father or mother of the person whose "cousins," or "first cousins," or "cousins-german," are spoken of; the words "first cousins once removed" apply only to children of cousins-german, or to cousins-german of a parent, of the person whose "first cousins once removed" are spoken of; the words "second cousins" apply only to grandchildren of brothers or of sisters of the grandfather or grandmother of the person whose "second cousins" are spoken of; the words "issue" and "descendants" apply to all lineal descendants whatever of the person whose "issue" or "descendants" are spoken of. Words expressive of collateral relationship apply alike to relatives of full and of half blood. All words expressive of relationship apply to a child in the womb who is afterwards born alive.

Words expressing relationship denote only legitimate relatives, or failing such, relatives reputed legitimate.

87. In the absence of any intimation to the contrary in the Will, the term "child," "son," or "daughter," or any word which expresses relationship, is to be understood as denoting only a legitimate relative, or where there is no such legitimate relative, a person who has acquired, at the date of the Will, the reputation of being such relative.

Illustrations.

(a) A, having three children, B, C, and D, of whom B and C are legitimate and D is illegitimate, leaves his property to be equally divided among "his children." The property belongs to B and C in equal shares, to the exclusion of D.

(b) A, having a niece of illegitimate birth, who has acquired the reputation of being his niece, and having no legitimate niece, bequeaths a sum of money to his niece. The illegitimate niece is entitled to the legacy.

(c) A, having in his Will enumerated his children, and named as one of them B, who is illegitimate, leaves a legacy to "his said children." B will take a share in the legacy along with the legitimate children.

(d) A leaves a legacy to the "children of B." B is dead, and has left none but illegitimate children. All those who had, at the date of the Will, acquired the reputation of being the children of B are objects of the gift.

(e) A bequeathed a legacy to "the children of B." B never had any legitimate child. C and D had at the date of the Will acquired the reputation of being children of B. After the date of the Will, and before the death of the testator, E and F were born, and acquired the reputation of being children of B. Only C and D are objects of the bequest.

(f) A makes a bequest in favour of his child by a certain woman, not his wife. B had acquired at the date of the Will the reputation of being the child of A by the woman designated. B takes the legacy.

(g) A makes a bequest in favour of the child to be born of a woman, who never becomes his wife. The bequest is void.

(h) A makes a bequest in favour of the child of which a certain woman, not married to him, is pregnant. The bequest is valid.

Rules of construction where a Will purports to make two bequests to the same person.

88. Where a Will purports to make two bequests to the same person, and a question arises whether the testator intended to make the second bequest instead of or in addition to the first; if there is nothing in the Will to show what he intended, the following rules shall prevail in determining the construction to be put upon the Will:—

First.—If the same specific thing is bequeathed twice to the same legatee in the same Will, or in the Will and again in a Codicil, he is entitled to receive that specific thing only.

Second.—Where one and the same Will or one and the same Codicil purports to make in two places a bequest to the same person of the same quantity or amount of anything, he shall be entitled to one such legacy only.

Third.—Where two legacies of unequal amount are given to the same person in the same Will, or in the same Codicil, the legatee is entitled to both.

Fourth.—Where two legacies, whether equal or unequal in amount, are given to the same legatee, one by a Will and the other by a Codicil, or each by a different Codicil, the legatee is entitled to both legacies.

Explanation.—In the four last rules, the word Will does not include a Codicil.

Illustrations.

(*a*) A having ten shares, and no more, in the Bank of Bengal, made his Will, which contains near its commencement, the words "I bequeath my ten shares in the Bank of Bengal to B." After other bequests, the Will concludes with the words "and I bequeath my ten shares in the Bank of Bengal to B." B is entitled simply to receive A's ten shares in the Bank of Bengal.

(*b*) A having one diamond ring, which was given him by B, bequeathed to C the diamond ring which was given him by B. A afterwards made a Codicil to his Will, and thereby after giving other legacies, he bequeathed to C the diamond ring which was given him by B. C can claim nothing except the diamond ring which was given to A by B.

(*c*) A, by his Will, bequeaths to B the sum of 5,000 rupees, and afterwards, in the same Will, repeats the bequest in the same words. B is entitled to one legacy of 5,000 rupees only.

(*d*) A, by his Will, bequeaths to B the sum of 5,000 rupees, and afterwards, by the same Will, bequeaths to B the sum of 6,000 rupees. B is entitled to 11,000 rupees.

(*e*) A, by his Will, bequeaths to B 5,000 rupees, and by a Codicil to the Will he bequeaths to him 5,000 rupees. B is entitled to receive 10,000 rupees.

(*f*) A, by one Codicil to his Will, bequeaths to B 5,000 rupees, and by another Codicil, bequeaths to him 6,000 rupees. B is entitled to receive 11,000 rupees.

(*g*) A, by his Will, bequeaths "500 rupees to B because she was his nurse," and in another part of the Will bequeaths 500 rupees to B "because she went to England with his children." B is entitled to receive 1,000 rupees.

(*h*) A, by his Will, bequeaths to B the sum of 5,000 rupees, and also, in another part of the Will, an annuity of 400 rupees. B is entitled to both legacies.

(*i*) A, by his Will, bequeaths to B the sum of 5,000 rupees, and also bequeaths to him the sum of 5,000 rupees if he shall attain the age of 18. B is entitled absolutely to one sum of 5,000 rupees, and takes a contingent interest in another sum of 5,000 rupees.

Constitution of residuary legatee.

89. A residuary legatee may be constituted by any words that show an intention on the part of the testator that the person designated shall take the surplus or residue of his property.

Illustrations.

(*a*) A makes her Will, consisting of several testamentary papers, in one of which are contained the following words:—"I think there will be something left, after all funeral expenses, &c., to give to B, now at school, towards equipping him to any profession he may hereafter be appointed to." B is constituted residuary legatee.

(*b*) A makes his Will, with the following passage at the end of it:—"I believe there will be found sufficient in my "banker's hands to defray and discharge my debts, which I "hereby desire B to do, and keep the residue for her own "use and pleasure." B is constituted the residuary legatee.

(*c*) A bequeaths all his property to B, except certain stocks and funds, which he bequeaths to C. B is the residuary legatee.

Property to which a residuary legatee is entitled.

90. Under a residuary bequest, the legatee is entitled to all property belonging to the testator at the time of his death, of which he has not made any other testamentary disposition which is capable of taking effect.

Illustration.

A by his Will bequeaths certain legacies, one of which is void under the hundred and fifth Section, and another lapses by the death of the legatee. He bequeaths the residue of his property to B. After the date of his Will, A purchases a zamíndárí, which belongs to him at the time of his death. B is entitled to the two legacies and the zamíndárí as part of the residue.

Time of vesting of legacy in general terms.

91. If a legacy be given in general terms, without specifying the time, when it is to be paid, the legatee has a vested interest in it from the day of the death of the testator, and if he dies without having received it, it shall pass to his representatives.

In what case a legacy lapses.

92. If the legatee does not survive the testator, the legacy cannot take effect, but shall lapse and form part of the residue of the testator's property, unless it appear by the Will that the testator intended that it should go to some other person. In order to entitle the representatives of the legatee to receive the legacy, it must be proved that he survived the testator.

Illustrations.

(*a*) The testator bequeaths to B "500 rupees which B owes him." B dies before the testator; the legacy lapses.

(*b*) A bequest is made to A and his children. A dies before the testator or happens to be dead when the Will is made. The legacy to A and his children lapses.

(*c*) A legacy is given to A, and in case of his dying before the testator, to B. A dies before the testator. The legacy goes to B.

(*d*) A sum of money is bequeathed to A for life, and after his death to B. A dies in the lifetime of the testator; B survives the testator. The bequest to B takes effect.

(*e*) A sum of money is bequeathed to A on his completing his eighteenth year, and in case he should die before he completes his eighteenth year, to B. A completes his eighteenth year, and dies in the lifetime of the testator. The legacy to A lapses, and the bequest to B does not take effect.

(*f*) The testator and the legatee perished in the same shipwreck. There is no evidence to show which died first. The legacy will lapse.

A legacy does not lapse if one of two joint legatees die before the testator.

93. If a legacy be given to two persons jointly, and one of them die before the testator, the other legatee takes the whole.

Illustration.

The legacy is simply to A and B. A dies before the testator. B takes the legacy.

Effect in such a case, of words showing testator's intention that the shares should be distinct.

94. But where a legacy is given to legatees in words which show that the testator intended to give them distinct shares of it, then if any legatee die before the testator, so much of the legacy as was intended for him shall fall into the residue of the testator's property.

Illustration.

A sum of money is bequeathed to A, B, and C, to be equally divided among them. A dies before the testator. B and C shall only take so much as they would have had if A had survived the testator.

When lapsed share goes as undisposed of.

95 Where the share that lapses is a part of the general residue bequeathed by the Will, that share shall go as undisposed of.

Illustration.

The testator bequeaths the residue of his estate to A, B, and C, to be equally divided between them. A dies before the testator. His one-third of the residue goes as undisposed of.

96. Where a bequest shall have been made to any child or other lineal descendant of the testator, and the legatee shall die in the lifetime of the testator, but any lineal descendant of his shall survive the testator, the bequest shall not lapse, but shall take effect as if the death of the legatee had happened immediately after the death of the testator, unless a contrary intention shall appear by the Will.

When a bequest to testator's child or lineal descendant does not lapse on his death in testator's lifetime.

Illustration.

A makes his Will, by which he bequeaths a sum of money to his son B for his own absolute use and benefit. B dies before A, leaving a son C who survives A, and having made his Will whereby he bequeaths all his property to his widow D. The money goes to D.

97. Where a bequest is made to one person for the benefit of another, the legacy does not lapse by the death, in the testator's lifetime, of the person to whom the bequest is made.

Bequest to A for the benefit of B does not lapse by A's death in testator's lifetime

98. Where a bequest is made simply to a described class of persons, the thing bequeathed shall go only to such as shall be alive at the testator's death.

Survivorship in case of bequest to a described class.

Exception.—If property is bequeathed to a class of persons described as standing in a particular degree of kindred to a specified individual, but their possession of it is deferred until a time later than the death of the testator, by reason of a prior bequest or otherwise, the property shall at that time go to such of them as shall be then alive, and to the representatives of any of them who have died since the death of the testator.

Illustrations.

(*a*) A bequeaths 1,000 rupees to "the children of B" without saying when it is to be distributed among them. B had died previous to the date of the Will, leaving three children, C, D, and E. E died after the date of the Will, but before the death of A. C and D survive A. The legacy shall belong to C and D, to the exclusion of the representatives of E.

(*b*) A bequeaths a legacy to the children of B. At the time of the testator's death, B has no children. The bequest is void.

(*c*) A lease for years of a house was bequeathed to A for his life, and after his decease to the children of B. At the death of the testator, B had two children living, C and D; and he never had any other child. Afterwards, during the lifetime of A, C died, leaving E his executor. D has survived A. D and E are jointly entitled to so much of the leasehold term as remains unexpired.

(*d*) A sum of money was bequeathed to A for her life, and after her decease to the children of B. At the death of the testator, B had two children living, C and D, and after that event, two children, E and F, were born to B. C and E died in the life time of A, C having made a Will, E having made no Will. A has died, leaving D and F surviving her. The legacy is to be divided into four equal parts, one of which is to be paid to the executor of C, one to D, one to the administrator of E, and one to F.

(*e*) A bequeaths one-third of his lands to B for his life, and after his decease to the sisters of B. At the death of the testator, B had two sisters living, C and D, and after that event another sister E was born. C died during the life of B; D and E have survived B. One-third of A's lands belongs to D, E, and the representatives of C, in equal shares.

(*f*) A bequeaths 1,000 rupees to B for life, and after his death equally among the children of C. Up to the death of B, C had not had any child. The bequest after the death of B is void.

(*g*) A bequeaths 1,000 rupees to "all the children born or to be born" of B, to be divided among them at the death of C. At the death of the testator, B has two children living, D and E. After the death of the testator, but in the lifetime of C, two other children, F and G, are born to B. After the death of C, another child is born to B. The legacy belongs to D, E, F, and G, to the exclusion of the after-born child of B.

(*h*) A bequeaths a fund to the children of B, to be divided among them when the eldest shall attain majority. At the testator's death, B had one child living, named C. He afterwards had two other children, named D and E. E died, but C and D were living when C attained majority. The fund belongs to C, D and the representatives of E, to the exclusion of any child who may be born to B after C's attaining majority.

PART XII.

Of void Bequests.

99. Where a bequest is made to a person by a particular description, and there is no person in existence at the testator's death who answers the description, the bequest is void.

Bequest to a person by a particular description, who is not in existence at the testator's death.

Exception.—If property is bequeathed to a person described as standing in a particular degree of kindred to a specified individual, but his possession of it is deferred until a time later than the death of the testator, by reason of a prior bequest, or otherwise; and if a person answering the description is alive at the death of the testator, or comes into existence between that event and such later time, the property shall, at such later time, go to that person, or if he be dead, to his representatives.

Illustrations.

(*a*) A bequeaths 1,000 rupees to the eldest son of B. At the death of the testator B has no son. The bequest is void.

(*b*) A bequeaths 1,000 rupees to B for life, and after his death to the eldest son of C. At the death of the testator, C had no son. Afterwards, during the life of B, a son is born to C. Upon B's death, the legacy goes to C's son.

(*c*) A bequeaths 1,000 rupees to B for life, and after his death to the eldest son of C. At the death of the testator, C had no son; afterwards, during the life of B, a son, named D, is born to C. D dies, then B dies. The legacy goes to the representative of D.

(*d*) A bequeaths his estate of Greenacre to B for life, and at his decease to the eldest son of C. Up to the death of B, C has had no son. The bequest to C's eldest son is void.

(*e*) A bequeaths 1,000 rupees to the eldest son of C, to be paid to him after the death of B. At the death of the testator, C has no son, but a son is afterwards born to him during the life of B and is alive at B's death. C's son is entitled to the 1,000 rupees.

100. Where a bequest is made to a person not in existence at the time of the testator's death, subject to a prior bequest contained in the Will, the later bequest shall be void, unless it comprises the whole of the remaining interest of the testator in the thing bequeathed.

Bequest to a person not in existence at the testator's death, subject to a prior bequest.

Illustrations.

(*a*) Property is bequeathed to A for his life, and after his death to his eldest son for life, and after the death of the latter to his eldest son. At the time of the testator's death, A has no son. Here the bequest to A's eldest son is a bequest to a person not in existence at the testator's death. It is not a bequest of the whole interest that remains to the testator. The bequest to A's eldest son for his life is void.

(*b*) A fund is bequeathed to A for his life, and after his death to his daughters. A survives the testator A has daughters some of whom were not in existence at the testator's death. The bequest to A's daughters comprises the whole interest that remains to the testator in the thing bequeathed. The bequest to A's daughters is valid.

(*c*) A fund is bequeathed to A for his life, and after his death to his daughters, with a direction that if any of them marries under the age of eighteen, her portion shall be settled so that it may belong to herself for life, and may be divisible among her children after her death A has no daughters living at the time of the testator's death, but has daughters born afterwards who survive him. Here the direction for a settlement has the effect in the case of each daughter who marries under eighteen, of substituting for the absolute bequest to her a bequest to her merely for her life; that is to say, a bequest to a person not in existence at the time of the testator's death of something which is less than the whole interest that remains to the testator in the thing bequeathed. The direction to settle the fund is void.

(*d*) A bequeaths a sum of money to B for life, and directs that upon the death of B the fund shall be settled upon his daughters, so that the portion of each daughter may belong to herself for life, and may be divided among her children after her death. B has no daughter living at the time of the testator's death. In this case the only bequest to the daughters of B is contained in the direction to settle the fund, and this direction amounts to a bequest, to persons not yet born, of a life-interest in the fund, that is to say, of something which is less than the whole interest that remains to the testator in the thing bequeathed. The direction to settle the fund upon the daughters of B is void.

Rule against perpetuity.

101. No bequest is valid whereby the vesting of the thing bequeathed may be delayed beyond the lifetime of one or more persons living at the testator's decease, and the minority of some person who shall be in existence at the expiration of that period, and to whom, if he attains full age, the thing bequeathed is to belong.

Illustrations.

(*a*) A fund is bequeathed to A for his life; and after his death to B for his life; and after B's death to such of the sons of B as shall first attain the age of 25. A and B survive the testator. Here the son of B who shall first attain the age of 25, may be a son born after the death of the testator; such son may not attain 25 until more than 18 years have elapsed from the death of the longer liver of A and B; and the vesting of the fund may thus be delayed beyond the lifetime of A and B, and the minority of the sons of B. The bequest after B's death is void.

(*b*) A fund is bequeathed to A for his life, and after his death to B for his life, and after B's death to such of B's sons as shall first attain the age of 25. B dies in the lifetime of the testator, leaving one or more sons In this case the sons of B are persons living at the time of the testator's decease, and the time when either of them will attain 25 necessarily falls within his own lifetime. The bequest is valid.

(*c*) A fund is bequeathed to A for his life, and after his death to B for his life; with a direction that after B's death it shall be divided amongst such of B's children as shall attain the age of 18; but that if no child of B shall attain that age, the fund shall go to C. Here the time for the division of the fund must arrive at the latest at the expiration of 18 years from the death of B, a person living at the testator's decease. All the bequests are valid.

(*d*) A fund is bequeathed to trustees for the benefit of the testator's daughters, with a direction that if any of them marry under age, her share of the fund shall be settled so as to devolve after her death upon such of her children as shall attain the age of 18. Any daughter of the testator to whom the direction applies must be in existence at his decease, and any portion of the fund which may eventually be settled as directed must vest not later than 18 years from the death of the daughter whose share it was All these provisions are valid.

Bequest to a class, some of whom may come under the rules in the Sections 100, 101.

102. If a bequest is made to a class of persons, with regard to some of whom it is inoperative by reason of the rules contained in the two last preceding Sections, or either of them, such bequest shall be wholly void.

Illustrations.

(*a*) A fund is bequeathed to A for life, and after his death to all his children who shall attain the age of 25. A survives the testator, and has some children living at the testator's death. Each child of A's living at the testator's death must attain the age of 25 (if at all) within the limits allowed for a bequest. But A may have children after the testator's decease, some of whom may not attain the age of 25 until more than 18 years have elapsed after the decease of A. The bequest to A's children, therefore, is inoperative as to any child born after the testator's death; and as it is given to all his children as a class, it is not good as to any division of that class, but is wholly void.

(*b*) A fund is bequeathed to A for his life, and after his death to B, C, D, and all other the children of A who shall attain the age of 25. B, C, D are children of A living at the testator's decease In all other respects the case is the same as that supposed in Illustration (*a*). The mention of B, C, and D by name does not prevent the bequest from being regarded as a bequest to a class, and the bequest is wholly void.

Bequest to take effect on failure of bequest void under Sections 100, 101, or 102.

103. Where a bequest is void by reason of any of the rules contained in the three last preceding Sections, any bequest contained in the same Will, and intended to take effect after or upon failure of such prior bequest, is also void.

Illustrations

(*a*) A fund is bequeathed to A for his life, and after his death to such of his sons as shall first attain the age of 25, for his life, and after the decease of such son, to B. A and B survive the testator The bequest to B is intended to take effect after the bequest to such of the sons of A as shall first attain the age of 25, which bequest is void under Section 101. The bequest to B is void.

(*b*) A fund is bequeathed to A for his life, and after his death to such of his sons as shall first attain the age of 25, and if no son of A shall attain that age, to B A and B survive the testator The bequest to B is intended to take effect upon failure of the bequest to such of A's sons as shall first attain the age of 25, which bequest is void under Section 101. The bequest to B is void.

Effect of direction for accumulation.

104. A direction to accumulate the income arising from any property shall be void; and the property shall be disposed of as if no accumulation had been directed.

Exception.—Where the property is immoveable, or where accumulation is directed to be made from the death of the testator, the direction shall be valid in respect only of the income arising from the property within one year next following the testator's death; and at the end of the year such property and income shall be disposed of respectively, as if the period during which the accumulation has been directed to be made had elapsed.

Illustrations

(*a*) The Will directs that the sum of 10,000 rupees shall be invested in Government securities, and the income accumulated for 20 years, and that the principal together with the accumulations, shall then be divided between A, B, and C. A, B, and C are entitled to receive the sum of 10,000 rupees at the end of the year from the testator's death.

(b) The Will directs that 10,000 rupees shall be invested, and the income accumulated until A shall marry, and shall then be paid to him. A is entitled to receive 10,000 rupees at the end of a year from the testator's death.

(c) The Will directs that the rents of the farm of Sultânpur shall be accumulated for ten years, and that the accumulation shall be then paid to the eldest son of A. At the death of the testator, A has an eldest son living, named B. B shall receive at the end of one year from the testator's death the rents which have accrued during the year, together with any interest which may have been made by investing them.

(d) The Will directs that the rents of the farm of Sultânpur shall be accumulated for ten years, and that the accumulations shall then be paid to the eldest son of A. At the death of the testator, A has no son. The bequest is void.

(e) A bequeaths a sum of money to B, to be paid to him when he shall attain the age of 18, and directs the interest to be accumulated till he shall arrive at that age. At A's death the legacy becomes vested in B; and so much of the interest as is not required for his maintenance and education is accumulated, not by reason of the direction contained in the Will, but in consequence of B's minority.

Bequest to religious or charitable uses.

105. No man having a nephew or niece or any nearer relative shall have power to bequeath any property to religious or charitable uses, except by a Will executed not less than twelve months before his death, and deposited within six months from its execution in some place provided by law for the safe custody of the Wills of living persons.

Illustration.

A having a nephew makes a bequest by a Will not executed nor deposited as required—

For the relief of poor people;
For the maintenance of sick soldiers;
For the erection or support of a hospital;
For the education and perferment of orphans;
For the support of scholars;
For the erection or support of a school;
For the building and repairs of a bridge;
For the making of roads;
For the erection or support of a church;
For the repairs of a church;
For the benefit of ministers of religion;
For the formation or support of a public garden.

All these bequests are void.

PART XIII.

Of the Vesting of Legacies.

Date of vesting of legacy when payment or possession postponed.

106. Where by the terms of a bequest the legatee is not entitled to immediate possession of the thing bequeathed, a right to receive it at the proper time shall, unless a contrary intention appears by the Will, become vested in the legatee on the testator's death, and shall pass to the legatee's representatives if he dies before that time and without having received the legacy. And in such cases the legacy is from the testator's death said to be vested in interest.

Explanation.—An intention that a legacy to any person shall not become vested in interest in him is not to be inferred merely from a provision whereby the payment or possession of the thing bequeathed is postponed, or whereby a prior interest therein is bequeathed to some other person, or whereby the income arising from the fund bequeathed is directed to be accumulated until the time of payment arrives, or from a provision that if a particular event shall happen, the legacy shall go over to another person.

Illustrations.

(a) A bequeaths to B 100 rupees, to be paid to him at the death of C. On A's death the legacy becomes vested in interest in B, and if he dies before C, his representatives are entitled to the legacy.

(b) A bequeaths to B 100 rupees, to be paid to him upon his attaining the age of 18. On A's death the legacy becomes vested in interest in B.

(c) A fund is bequeathed to A for life, and after his death to B. On the testator's death the legacy to B becomes vested in interest in B.

(d) A fund is bequeathed to A until B attains the age of 18, and then to B. The legacy to B is vested in interest from the testator's death.

(e) A bequeaths the whole of his property to B upon trust to pay certain debts out of the income, and then to make over the fund to C. At A's death the gift to C becomes vested in interest in him.

(f) A fund is bequeathed to A, B, and C in equal shares, to be paid to them on their attaining the age of 18 respectively, with a proviso that, if all of them die under the age of 18, the legacy shall devolve upon D. On the death of the testator, the shares vest in interest in A, B, and C, subject to be devested in case A, B, and C shall all die under 18, and upon the death of any of them (except the last survivor) under the age of 18, his vested interest passes, so subject, to his representatives.

Date of vesting when legacy is contingent upon a specified uncertain event.

107. A legacy bequeathed in case a specified uncertain event shall happen does not vest until that event happens. A legacy bequeathed in case a specified uncertain event shall not happen does not vest until the happening of that event becomes impossible. In either case, until the condition has been fulfilled, the interest of the legatee is called contingent.

Exception.—Where a fund is bequeathed to any person upon his attaining a particular age, and the Will also gives to him absolutely the income to arise from the fund before he reaches that age, or directs the income, of so much of it as may be necesary, to be applied for his benefit; the bequest of the fund is not contingent.

Illustrations.

(a) A legacy is bequeathed to D in case A, B, and C shall all die under the age of 18. D has a contingent interest in the legacy until A, B, and C all die under 18, or one of them attains that age.

(b) A sum of money is bequeathed to A "in case he shall attain the age of 18," or, "when he shall attain the age of 18." A's interest in the legacy is contingent until the condition shall be fulfilled by his attaining that age.

(c) An estate is bequeathed to A for life, and after his death to B, if B shall then be living, but if B shall not be then living, to C. A, B, and C survive the testator. B and C each take a contingent interest in the estate until the event which is to vest it in one or in the other shall have happened.

(d) An estate is bequeathed as in the case last supposed. B dies in the lifetime of A and C. Upon the death of B, C acquires a vested right to obtain possession of the estate upon A's death.

(e) A legacy is bequeathed to A when she shall attain the age of 18, or shall marry under that age with the consent of B, with a proviso that if she shall not attain 18, or marry under that age with B's consent, the legacy shall go to C. A and C each take a contingent interest in the legacy. A attains the age of 18. A becomes absolutely entitled to the legacy, although she may have married under 18 without the consent of B.

(f) An estate is bequeathed to A until he shall marry, and after that event to B. B's interest in the bequest is contingent until the condition shall be fulfilled by A's marrying.

(g) An estate is bequeathed to A until he shall take advantage of the Act for the Relief of Insolvent Debtors, and

after that event to B. B's interest in the bequest is contingent until A takes advantage of the Act.

(*h*) An estate is bequeathed to A if he shall pay 500 rupees to B. A's interest in the bequest is contingent until he has paid 500 rupees to B.

(*i*) A leaves his farm of Sultânpur Khurd to B, if B shall convey his own farm of Sultânpur Buzurg to C. B's interest in the bequest is contingent until he has conveyed the latter farm to C.

(*j*) A fund is bequeathed to A if B shall not marry C within five years after the testator's death. A's interest in the legacy is contingent, until the condition shall be fulfilled by the expiration of the five years without B's having married C, or by the occurrence, within that period, of an event which makes the fulfilment of the condition impossible.

(*k*) A fund is bequeathed to A if B shall not make any provision for him by Will. The legacy is contingent until B's death.

(*l*) A bequeaths to B 500 rupees a year upon his attaining the age of 18, and directs that the interest, or a competent part thereof, shall be applied for his benefit until he reaches that age. The legacy is vested.

(*m*) A bequeaths to B 500 rupees when he shall attain the age of 18, and directs that a certain sum, out of another fund, shall be applied for his maintenance until he arrives at that age. The legacy is contingent.

Vesting of interest in a bequest to such members of a class as shall have attained a particular age.

108. Where a bequest is made only to such members of a class as shall have attained a particular age, a person who has not attained that age cannot have a vested interest in the legacy.

Illustration.

A fund is bequeathed to such of the children of A as shall attain the age of 18, with a direction that while any child of A shall be under the age of 18, the income of the share, to which it may be presumed he will be eventually entitled, shall be applied for his maintenance and education. No child of A who is under the age of 18 has a vested interest in the bequest.

PART XIV.

Of Onerous Bequests.

Onerous bequest.

109. Where a bequest imposes an obligation on the legatee, he can take nothing by it unless he accepts it fully.

Illustration.

A having shares in (X), a prosperous joint stock company, and also shares in (Y), a joint stock company in difficulties, in respect of which shares heavy calls are expected to be made, bequeaths to B all his shares in joint stock companies. B refuses to accept the shares in (Y). He forfeits the shares in (X).

One of two separate and independent bequests to same person may be accepted, and the other refused.

110. Where a Will contains two separate and independent bequests to the same person, the legatee is at liberty to accept one of them and refuse the other, although the former may be beneficial and the latter onerous.

Illustration.

A having a lease for a term of years of a house at a rent which he and his representatives are bound to pay during the term, and which is higher than the house can be let for, bequeaths to B the lease and a sum of money. B refuses to accept the lease. He shall not by this refusal forfeit the money.

PART XV.

Of Contingent Bequests.

Bequest contingent upon a specified uncertain event, no time being mentioned for its occurrence.

111. Where a legacy is given if a specified uncertain event shall happen, and no time is mentioned in the Will for the occurrence of that event, the legacy cannot take effect unless such event happens before the period when the fund bequeathed is payable or distributable.

Illustrations.

(*a*) A legacy is bequeathed to A, and in case of his death, to B. If A survives the testator, the legacy to B does not take effect.

(*b*) A legacy is bequeathed to A, and in case of his death without children, to B. If A survives the testator or dies in his lifetime leaving a child, the legacy to B does not take effect.

(*c*) A legacy is bequeathed to A when and if he attains the age of 18, and in case of his death, to B. A attains the age of 18. The legacy to B does not take effect.

(*d*) A legacy is bequeathed to A for life, and after his death to B, and, "in case of B's death without children," to C. The words "in case of B's death without children," are to be understood as meaning in case B shall die without children during the lifetime of A.

(*e*) A legacy is bequeathed to A for life, and after his death to B, and "in case of B's death," to C. The words "in case of B's death" are to be considered as meaning "in case B shall die in the lifetime of A."

Bequest to such of certain persons as shall be surviving at some period not specified.

112. Where a bequest is made to such of certain persons as shall be surviving at some period, but the exact period is not specified, the legacy shall go to such of them as shall be alive at the time of payment or distribution, unless a contrary intention appear by the Will.

Illustrations.

(*a*) Property is bequeathed to A and B, to be equally divided between them, or to the survivor of them. If both A and B survive the testator, the legacy is equally divided between them. If A dies before the testator, and B survives the testator, it goes to B.

(*b*) Property is bequeathed to A for life, and after his death to B and C, to be equally divided between them, or to the survivor of them. B dies during the life of A; C survives A. At A's death the legacy goes to C.

(*c*) Property is bequeathed to A for life, and after his death to B and C, or the survivor, with a direction that if B should not survive the testator, his children are to stand in his place. C dies during the life of the testator; B survives the testator, but dies in the lifetime of A. The legacy goes to the representative of B.

(*d*) Property is bequeathed to A for life, and after his death to B and C, with a direction that in case either of them dies in the lifetime of A, the whole shall go to the survivor. B dies in the lifetime of A. Afterwards C dies in the lifetime of A. The legacy goes to the representative of C.

PART XVI.

Of Conditional Bequests.

Bequest upon impossible condition

113. A bequest upon an impossible condition is void.

Illustrations.

(*a*) An estate is bequeathed to A on condition that he shall walk one hundred miles in an hour. The bequest is void.

(b) A bequeaths 500 rupees to B on condition that he shall marry A's daughter. A's daughter was dead at the date of the Will. The bequest is void.

Bequest upon illegal or immoral condition.

114. A bequest upon a condition, the fulfilment of which would be contrary to law or to morality, is void.

Illustrations.

(a) A bequeaths 500 rupees to B on condition that he shall murder C. The bequest is void.

(b) A bequeaths 5,000 rupees to his niece if she will desert her husband. The bequest is void.

Fulfilment of condition precedent to the vesting of a legacy.

115. Where a Will imposes a condition to be fulfilled before the legatee can take a vested interest in the thing bequeathed, the condition shall be considered to have been fulfilled if it has been substantially complied with.

Illustrations.

(a) A legacy is bequeathed to A on condition that he shall marry with the consent of B, C, D and E. A marries with the written consent of B. C is present at the marriage. D sends a present to A previous to the marriage. E has been personally informed by A of his intentions, and has made no objection. A has fulfilled the condition.

(b) A legacy is bequeathed to A on condition that he shall marry with the consent of B, C and D. D dies. A marries with the consent of B and C. A has fulfilled the condition.

(c) A legacy is bequeathed to A on condition that he shall marry with the consent of B, C and D. A marries in the lifetime of B, C and D, with the consent of B and C only. A has not fulfilled the condition.

(d) A legacy is bequeathed to A on condition that he shall marry with the consent of B, C and D. A obtains the unconditional assent of B, C and D to his marriage with E. Afterwards B, C and D capriciously retract their consent. A marries E. A has fulfilled the condition.

(e) A legacy is bequeathed to A on condition that he shall marry with the consent of B, C and D. A marries without the consent of B, C and D, but obtains their consent after the marriage. A has not fulfilled the condition.

(f) A makes his Will, whereby he bequeaths a sum of money to B if B shall marry with the consent of A's executors. B marries during the lifetime of A, and A afterwards expresses his approbation of the marriage. A dies. The bequest to B takes effect.

(g) A legacy is bequeathed to A if he executes a certain document within a time specified in the Will. The document is executed by A, within a reasonable time, but not within the time specified in the Will. A has not performed the condition, and is not entitled to receive the legacy.

Bequest to A and, on failure of the prior bequest, to B.

116. Where there is a bequest to one person and a bequest of the same thing to another if the prior bequest shall fail, the second bequest shall take effect upon the failure of the prior bequest, although the failure may not have occurred in the manner contemplated by the testator.

Illustrations.

(a) A bequeaths a sum of money to his own children surviving him, and if they all die under 18, to B. A dies without having ever had a child. The bequest to B takes effect.

(b) A bequeaths a sum of money to B, on condition that he shall execute a certain document within three months after A's death, and if he should neglect to do so, to C. B dies in the testator's lifetime. The bequest to C takes effect.

Case in which the second bequest shall not take effect on failure of the first.

117. Where the Will shows an intention that the second bequest shall take effect only in the event of the first bequest failing in a particular manner, the second bequest shall not take effect unless the prior bequest fails in that particular manner.

Illustration.

A makes a bequest to his wife, but in case she should die in his lifetime, bequeaths to B that which he had bequeathed to her. A and his wife perish together, under circumstances which make it impossible to prove that she died before him. The bequest to B does not take effect.

Bequest over, conditional upon the happening or not happening of a specified uncertain event.

118. A bequest may be made to any person with the condition superadded that in case a specified uncertain event shall happen, the thing bequeathed shall go to another person; or, that in case a specified uncertain event shall not happen, the thing bequeathed shall go over to another person. In each case the ulterior bequest is subject to the rules contained in Sections 107, 108, 109, 110, 111, 112, 113, 114, 116, 117.

Illustrations.

(a) A sum of money is bequeathed to A, to be paid to him at the age of 18, and if he shall die before he attains that age, to B. A takes a vested interest in the legacy, subject to be devested and to go to B in case A shall die under 18.

(b) An estate is bequeathed to A with a proviso that if A shall dispute the competency of the testator to make a Will, the estate shall go to B. A disputes the competency of the testator to make a Will. The estate goes to B.

(c) A sum of money is bequeathed to A for life, and after his death to B, but if B shall then be dead, leaving a son, such son is to stand in the place of B. B takes a vested interest in the legacy, subject to be devested if he dies leaving a son in A's lifetime.

(d) A sum of money is bequeathed to A and B, and if either should die during the life of C, then to the survivor living at the death of C. A and B die before C. The gift over cannot take effect, but the representative of A takes one-half of the money, and the representative of B takes the other half.

(e) A bequeaths to B the interest of a fund for life, and directs the fund to be divided, at her death, equally among her three children, or such of them as shall be living at her death. All the children of B die in B's lifetime. The bequest over cannot take effect, but the interests of the children pass to their representatives.

Condition must be strictly fulfilled

119. An ulterior bequest of the kind contemplated by the last preceding Section cannot take effect, unless the condition is strictly fulfilled.

Illustrations.

(a) A legacy is bequeathed to A, with a proviso that if he marries without the consent of B, C and D, the legacy shall go to E. D dies. Even if A marries without the consent of B and C, the gift to E does not take effect.

(b) A legacy is bequeathed to A, with a proviso that if he marries without the consent of B, the legacy shall go to C. A marries with the consent of B. He afterwards becomes a widower and marries again without the consent of B. The bequest to C does not take effect.

(c) A legacy is bequeathed to A, to be paid at 18, or marriage, with a proviso that if A dies under 18, or marries without the consent of B, the legacy shall go to C. A marries under 18, without the consent of B. The bequest to C takes effect.

Original bequest not affected by invalidity of second.

120. If the ulterior bequest be not valid, the original bequest is not affected by it.

Illustrations.

(a) An estate is bequeathed to A for his life, with a condition superadded that if he shall not on a given day walk 100 miles in an hour, the estate shall go to B. The condition being void, A retains his estate as if no condition had been inserted in the Will.

(b) An estate is bequeathed to A for her life, and if she do not desert her husband, to B. A is entitled to the estate

during her life as if no condition had been inserted in the Will.

(c) An estate is bequeathed to A for life, and, if he marries, to the eldest son of B for life. B, at the date of the testator's death, had not had a son. The bequest over is void under Section 92, and A is entitled to the estate during his life.

Bequest conditioned that it shall cease to have effect in case a specified uncertain event shall happen or not happen.

121. A bequest may be made with the condition superadded that it shall cease to have effect in case a specified uncertain event shall happen, or in case a specified uncertain event shall not happen.

Illustrations.

(a) An estate is bequeathed to A for his life, with a proviso that in case he shall cut down a certain wood, the bequest shall cease to have any effect. A cuts down the wood; he loses his life-interest in the estate.

(b) An estate is bequeathed to A, provided that if he marries under the age of 25 without the consent of the executors named in the Will, the estate shall cease to belong to him. A marries under 25 without the consent of the executors. The estate ceases to belong to him.

(c) An estate is bequeathed to A, provided that if he shall not go to England within three years after the testator's death, his interest in the estate shall cease. A does not go to England within the time prescribed. His interest in the estate ceases.

(d) An estate is bequeathed to A, with a proviso that if she becomes a Nun she shall cease to have any interest in the estate. A becomes a Nun. She loses her interest under the Will.

(e) A fund is bequeathed to A for life, and after his death to B, if B shall be then living, with a proviso that if B shall become a Nun, the bequest to her shall cease to have any effect. B becomes a Nun in the lifetime of A. She thereby loses her contingent interest in the fund.

Such condition must not be invalid under Section 107.

122. In order that a condition that a bequest shall cease to have effect may be valid, it is necessary that the event to which it relates be one which could legally constitute the condition of a bequest as contemplated by the one hundred and seventh Section.

Result of legatee rendering impossible or indefinitely postponing an act for which no time is specified and on the nonperformance of which the subject-matter is to go over.

123. Where a bequest is made with a condition superadded that unless the legatee shall perform a certain act, the subject-matter of the bequest shall go to another person, or the bequest shall cease to have effect; but no time is specified for the performance of the act; if the legatee takes any step which renders impossible or indefinitely postpones the performance of the act required, the legacy shall go as if the legatee had died without performing such act.

Illustrations.

(a) A bequest is made to A with a proviso that unless he enters the army the legacy shall go over to B. A takes holy orders, and thereby renders it impossible that he should fulfil the condition. B is entitled to receive the legacy.

(b) A bequest is made to A with a proviso that it shall cease to have any effect if he does not marry B's daughter. A marries a stranger, and thereby indefinitely postpones the fulfilment of the condition. The bequest ceases to have effect.

Performance of condition, precedent or subsequent, within specified time.

124. Where the Will requires an act to be performed by the legatee within a specified time, either as a condition to be fulfilled before the legacy is enjoyed, or as a condition upon the non-fulfilment of which the subject-matter of the bequest is to go over to another person, or the bequest is to cease to have effect; the act must be performed within the time specified, unless the performance of it be prevented by fraud, in which case such further time shall be allowed as shall be requisite to make up for the delay caused by such fraud.

Further time allowed in case of fraud.

PART XVII.

Of Bequests with Directions as to Application or Enjoyment.

Direction that funds be employed in a particular manner following an absolute bequest of the same to or for the benefit of any person.

125. Where a fund is bequeathed absolutely to or for the benefit of any person, but the Will contains a direction that it shall be applied or enjoyed in a particular manner, the legatee shall be entitled to receive the fund as if the Will had contained no such direction.

Illustration.

A sum of money is bequeathed towards purchasing a country residence for A, or to purchase an annuity for A, or to purchase a commission in the Army for A, or to place A in any business. A chooses to receive the legacy in money. He is entitled to do so.

Direction that a mode of enjoyment of absolute bequest is to be restricted, to secure a specified benefit for the legatee.

126. Where a testator absolutely bequeaths a fund, so as to sever it from his own estate, but directs that the mode of enjoyment of it by the legatee shall be restricted so as to secure a specified benefit for the legatee; if that benefit cannot be obtained for the legatee, the fund belongs to him, as if the Will had contained no such direction.

Illustrations.

(a) A bequeaths the residue of his property to be divided equally among his daughters, and directs that the shares of the daughters shall be settled upon themselves respectively for life, and be paid to their children after their death. All the daughters die unmarried, the representatives of each daughter are entitled to her share of the residue.

(b) A directs his trustees to raise a sum of money for his daughter, and he then directs that they shall invest the fund, and pay the income arising from it to her during her life, and divide the principal among her children after her death. The daughter dies without having ever had a child. Her representatives are entitled to the fund.

Bequest of a fund for certain purposes, some of which cannot be fulfilled.

127. Where a testator does not absolutely bequeath a fund, so as to sever it from his own estate, but gives it for certain purposes, and part of those purposes cannot be fulfilled, the fund, or so much of it as has not been exhausted upon the objects contemplated by the Will, remains a part of the estate of the testator.

Illustrations.

(a) A directs that his trustees shall invest a sum of money in a particular way, and shall pay the interest to his son for life, and at his death shall divide the principal among his children; the son dies without having ever had a child. The fund, after the son's death, belongs to the estate of the testator.

(b) A bequeaths the residue of his estate to be divided equally among his daughters, with a direction that they are to have the interest only during their lives, and that at their

decease the fund shall go to their children. The daughters have no children. The fund belongs to the estate of the testator.

PART XVIII.

Of Bequests to an Executor.

Legatee named as executor cannot take unless he shows intention to act as executor.

128. If a legacy is bequeathed to a person who is named an executor of the Will, he shall not take the legacy unless he proves the Will or otherwise manifests an intention to act as executor.

Illustration.

A legacy is given to A, who is named an executor. A orders the funeral according to the directions contained in the Will, and dies a few days after the testator, without having proved the Will. A has manifested an intention to act as executor.

PART XIX.

Of Specific Legacies.

Specific legacy defined.

129. Where a testator bequeaths to any person a specified part of his property, which is distinguished from all other parts of his property, the legacy is said to be specific.

Illustrations.

(*a*) A bequeaths to B—
"The diamond ring presented to him by C."
"His gold chain."
"A certain bale of wool."
"A certain piece of cloth."
"All his household goods, which shall be in or about his dwelling-house in M Street, in Calcutta, at the time of his death."
"The sum of 1,000 rupees in a certain chest."
"The debt which B owes him."
"All his bills, bonds, and securities belonging to him lying in his lodgings in Calcutta."
"All his furniture in his house in Calcutta."
"All his goods on board a certain ship then lying in the River Hooghly."
"2,000 rupees which he has in the hands of C."
"The money due to him on the bond of D."
"His mortgage on the Rampore Factory."
"One-half of the money owing to him on his mortgage of Rampore Factory."
"1,000 rupees, being part of a debt due to him from C."
"His capital Stock of 1,000*l.* in East India Stock."
"His promissory notes of the Government of India, for 10,000 rupees in their 4 per cent. loan."
"All such sums of money as his executors may, after his death, receive in respect of the debt due to him from the insolvent firm of D and Company."
"All the wine which he may have in his cellar at the time of his death."
"Such of his horses as B may select."
"All his shares in the Bank of Bengal."
"All the shares in the Bank of Bengal which he may possess at the time of his death."
"All the money which he has in the 5½ per cent. loan of the Government of India."
"All the Government securities he shall be entitled to at the time of his decease."
Each of these legacies is specific.

(*b*) A having Government promissory notes for 10,000 rupees, bequeaths to his executors "Government promissory notes for 10,000 rupees in trust to sell" for the benefit of B.
The legacy is specific.

(*c*) A having property at Benares, and also in other places, bequeaths to B all his property at Benares.
The legacy is specific.

(*d*) A bequeaths to B—
His house in Calcutta.
His zamíndárí of Rampore.
His taluk of Rámnagar.
His lease of the Indigo factory of Sulkea.
An annuity of 500 rupees out of the rents of his zamíndárí of W.
A directs his zamíndárí of X to be sold, and the proceeds to be invested for the benefit of B.
Each of these bequests is specific.

(*e*) A by his will charges his zamíndárí of Y with an annuity of 1,000 rupees to C during his life, and subject to this charge he bequeaths the zamíndárí to D. Each of these bequests is specific.

(*f*) A bequeaths a sum of money to buy a house in Calcutta for B.
To buy an estate in Zillah Fureedpore for B.
To buy a diamond ring for B.
To buy a horse for B.
To be invested in shares in the Bank of Bengal for B
To be invested in Government securities for B.
A bequeaths to B—
"A diamond ring."
"A horse."
"10,000 rupees worth of Government securities."
"An annuity of 500 rupees."
"2,000 rupees, to be paid in cash."
"So much money as will produce 5,000 rupees 4 per cent. Government securities."
These bequests are not specific.

(*g*) A, having property in England and property in India, bequeaths a legacy to B, and directs that it shall be paid out of the property which he may leave in India. He also bequeaths a legacy to C, and directs that it shall be paid out of the property which he may leave in England.
No one of these legacies is specific.

Bequest of a sum certain where the stocks, &c., in which it is invested are described.

130. Where a sum certain is bequeathed, the legacy is not specific merely because the stocks, funds, or securities in which it is invested are described in the Will.

Illustration.

A bequeaths to B—
"10,000 rupees of his funded property."
"10,000 rupees of his property now invested in Shares of the East Indian Railway Company."
"10,000 rupees at present secured by mortgage of Rampore Factory."
No one of these legacies is specific.

Bequest of stock where the testator had at the date of his Will an equal or greater amount of stock of the same kind.

131. Where a bequest is made in general terms, of a certain amount of any kind of stock, the legacy is not specific merely because the testator was at the date of his Will possessed of stock of the specified kind, to an equal or greater amount than the amount bequeathed.

Illustration.

A bequeaths to B 5,000 rupees five per cent. Government securities. A had at the date of the Will five per cent. Government securities for 5,000 rupees.
The legacy is not specific.

Bequest of money where it is not to be paid until some part of the testator's property shall have been disposed of in a certain way.

132. A money legacy is not specific merely because the Will directs its payment to be postponed until some part of the property of the testator shall have been reduced to a certain form, or remitted to a certain place.

Illustration.

A bequeaths to B 10,000 rupees, and directs that this legacy shall be paid as soon as A's property in India shall be realized in England.
The legacy is not specific.

When enumerated articles are not to be deemed to be specifically bequeathed.

133. Where a Will contains a bequest of the residue of the testator's property along with an enumeration of some items of property not previously bequeathed, the articles enumerated shall not be deemed to be specifically bequeathed.

Retention in form of specific bequest to several persons in succession.

134. Where property is specifically bequeathed to two or more persons in succession, it shall be retained in the form in which the testator left it, although it may be of such a nature that its value is continually decreasing.

Illustrations.

(*a*) A having a lease of a house for a term of years, 15 of which were unexpired at the time of his death, has bequeathed the lease to B for his life, and after B's death to C. B is to enjoy the property as A left it, although if B lives for 15 years, C can take nothing under the bequest.

(*b*) A having an annuity during the life of B, bequeaths it to C for his life, and after C's death to D. C is to enjoy the annuity as A left it, although, if B dies before D, D can take nothing under the bequest.

Sale and investment of proceeds of property bequeathed to two or more persons in succession.

135. Where property comprised in a bequest to two or more persons in succession is not specifically bequeathed, it shall in the absence of any direction to the contrary be sold, and the proceeds of the sale shall be invested in such securities as the High Court may, by any general rule to be made from time to time, authorize or direct, and the fund thus constituted shall be enjoyed by the successive legatees according to the terms of the Will.

Illustration.

A, having a lease for a term of years, bequeaths "all his property" to B for life, and after B's death to C. The lease must be sold, and the proceeds invested as stated in the text, and the annual income arising from the fund is to be paid to B for life. At B's death the capital of the fund is to be paid to C.

Where there is a deficiency of assets to pay legacies, specific legacy not liable to abate with general legacies.

136. If there be a deficiency of assets to pay legacies, a specific legacy is not liable to abate with the general legacies.

PART XX.

Of Demonstrative Legacies.

Demonstrative legacy defined.

137. Where a testator bequeaths a certain sum of money or a certain quantity of any other commodity, and refers to a particular fund or stock so as to constitute the same the primary fund or stock out of which payment is to be made, the legacy is said to be demonstrative.

Explanation.—The distinction between a specific legacy and a demonstrative legacy consists in this, that where specified property is given to the legatee, the legacy is specific; where the legacy is directed to be paid out of specified property, it is demonstrative.

Illustrations.

(*a*) A bequeaths to B 1,000 rupees, being part of a debt due to him from W. He also bequeaths to C 1,000 rupees to be paid out of the debt due to him from W. The legacy to B is specific; the legacy to C is demonstrative.

(*b*) A bequeaths to B ten bushels of the corn which shall grow in his field of "Greenacre."

"80 chests of the Indigo which shall be made at his factory of Rampore."

"10,000 rupees out of his five per cent. promissory notes of the Government of India."

An annuity of 500 rupees "from his funded property."

"1,000 rupees out of the sum of 2,000 rupees due to him by C."

A bequeaths to B an annuity, and directs it to be paid out of the rents arising from his taluk of Rámnagar.

A bequeaths to B "10,000 rupees out of his estate at Rámnagar," or charges it on his estate at Rámnagar

"10,000 rupees, being his share of the capital embarked in a certain business."

Each of these bequests is demonstrative.

Order of payment when legacy is directed to be paid out of a fund the subject of a specific legacy

138. Where a portion of a fund is specifically bequeathed and a legacy is directed to be paid out of the same fund, the portion specifically bequeathed shall first be paid to the legatee, and the demonstrative legacy shall be paid out of the residue of the fund, and so far as the residue shall be deficient, out of the general assets of the testator.

Illustration.

A bequeaths to B 1,000 rupees, being part of a debt due to him from W. He also bequeaths to C 1,000 rupees to be paid out of the debt due to him from W. The debt due to A from W is only 1,500 rupees; of these 1,500 rupees, 1,000 rupees belong to B, and 500 rupees are to be paid to C. C is also to receive 500 rupees out of the general assets of the testator.

PART XXI.

Of Ademption of Legacies.

Ademption explained.

139. If anything which has been specifically bequeathed does not belong to the testator at the time of his death, or has been converted into property of a different kind, the legacy is adeemed; that is, it cannot take effect by reason of the subject-matter having been withdrawn from the operation of the Will.

Illustrations.

(*a*) A bequeaths to B—

"The diamond ring presented to him by C."

"His gold chain."

"A certain bale of wool."

"A certain piece of cloth."

"All his household goods which shall be in or about his dwelling-house in M Street in Calcutta at the time of his death."

A, in his lifetime,

Sells or gives away the ring.

Converts the chain into a cup

Converts the wool into cloth.

Makes the cloth into a garment.

Takes another house into which he removes all his goods.

Each of these legacies is adeemed.

(*b*) A bequeaths to B—

"The sum of 1,000 rupees in a certain chest."

"All the horses in his stable."

At the death of A, no money is found in the chest, and no horses in the stable.

The legacies are adeemed.

(*c*) A bequeaths to B certain bales of goods. A takes the goods with him on a voyage. The ship and goods are lost at sea, and A is drowned.

The legacy is adeemed.

140. A demonstrative legacy is not adeemed by reason that the property on which it is charged by the Will does not exist at the time of the death of the testator, or has been converted into property of a different kind; but it shall in such case be paid out of the general assets of the testator.

Non-ademption of demonstrative legacy.

141. Where the thing specifically bequeathed is the right to receive something of value from a third party, and the testator himself receives it, the bequest is adeemed.

Ademption of specific bequest of right to receive something from a third party.

Illustrations.

(*a*) A bequeaths to B—
"The debt which C owes him."
"2,000 rupees which he has in the hands of D"
"The money due to him on the bond of E."
"His mortgage on the Rampore Factory."
All these debts are extinguished in A's lifetime, some with and some without his consent.

All the legacies are adeemed.

(*b*) A bequeaths to B—
"His interest in certain policies of life assurance."
A in his lifetime receives the amount of the policies The legacy is adeemed.

142. The receipt by the testator of a part of an entire thing specifically bequeathed shall operate as an ademption of the legacy to the extent of the sum so received.

Ademption *pro tanto* by testator's receipt of part of entire thing specifically bequeathed.

Illustration

A bequeaths to B "the debt due to him by C." The debt amounts to 10,000 rupees. C pays to A 5,000 rupees, the one-half of the debt. The legacy is revoked by ademption, so far as regards the 5,000 rupees received by A.

143. If a portion of an entire fund or stock be specifically bequeathed, the receipt by the testator of a portion of the fund or stock shall operate as an ademption only to the extent of the amount so received; and the residue of the fund or stock shall be applicable to the discharge of the specific legacy.

Ademption *pro tanto* by testator's receipt of portion of an entire fund of which a portion has been specifically bequeathed.

Illustration.

A bequeaths to B one-half of the sum of 10,000 rupees due to him from W. A in his lifetime receives 6,000 rupees, part of the 10,000 rupees. The 4,000 rupees which are due from W to A at the time of his death belong to B under the specific bequest.

144. Where a portion of a fund is specifically bequeathed to one legatee, and a legacy charged on the same fund is bequeathed to another legatee; if the testator receives a portion of that fund, and the remainder of the fund is insufficient to pay both the specific and the demonstrative legacy, the specific legacy shall be paid first, and the residue (if any) of the fund shall be applied so far as it will extend in payment of the demonstrative legacy, and the rest of the demonstrative legacy shall be paid out of the general assets of the testator.

Order of payment where a portion of a fund is specifically bequeathed to one legatee, and a legacy charged on the same fund to another, and the testator having received a portion of that fund, the remainder is insufficient to pay both legacies.

Illustration.

A bequeaths to B 1,000 rupees, part of the debt of 2,000 rupees due to him from W He also bequeaths to C 1,000 rupees to be paid out of the debt due to him from W A afterwards receives 500 rupees, part of that debt, and dies leaving only 1,500 rupees due to him from W. Of these 1,500 rupees, 1,000 rupees belong to B, and 500 rupees are to be paid to C. C is also to receive 500 rupees out of the general assets of the testator.

145. Where stock which has been specifically bequeathed does not exist at the testator's death, the legacy is adeemed.

Ademption where stock, specifically bequeathed, does not exist at testator's death.

Illustration.

A bequeaths to B—
"His capital stock of 1,000*l.* in East India Stock."
"His promissory notes of the Government of India for 10,000 rupees in their 4 per cent loan."
A sells the stock and the notes.
The legacies are adeemed.

146. Where stock which has been specifically bequeathed, does only in part exist at the testator's death, the legacy is adeemed so far as regards that part of the stock which has ceased to exist.

Ademption *pro tanto* where stock, specifically bequeathed, exists in part only at testator's death

Illustration.

A bequeaths to B—
"His 10,000 rupees in the 5½ per cent loan of the Government of India."

A sells one-half of his 10,000 rupees in the loan in question.
One-half of the legacy is adeemed.

147. A specific bequest of goods under a description connecting them with a certain place, is not adeemed by reason that they have been removed from such place from any temporary cause, or by fraud, or without the knowledge or sanction of the testator.

Non-ademption of specific bequest of goods described as connected with a certain place by reason of removal.

Illustrations.

A bequeaths to B "all his household goods which shall be in or about his dwelling-house in Calcutta at the time of his death." The goods are removed from the house to save them from fire. A dies before they are brought back.

A bequeaths to B "all his household goods which shall be in or about his dwelling-house in Calcutta at the time of his death" During A's absence upon a journey, the whole of the goods are removed from the house A dies without having sanctioned their removal.

Neither of these legacies is adeemed.

148. The removal of the thing bequeathed from the place in which it is stated in the Will to be situated, does not constitute an ademption, where the place is only referred to in order to complete the description of what the testator meant to bequeath.

When removal of thing bequeathed does not constitute ademption.

Illustrations.

A bequeaths to B all the bills, bonds, and other securities for money belonging to him then lying in his lodgings in Calcutta At the time of his death, these effects had been removed from his lodgings in Calcutta.

A bequeaths to B all his furniture then in his house in Calcutta. The testator has a house at Calcutta and another at Chinsurah, in which he lives alternately, being possessed of one set of furniture only, which he removes with himself to each house. At the time of his death, the furniture is in the house at Chinsurah.

A bequeaths to B all his goods on board a certain ship then lying in the River Hooghly. The goods are removed by A's directions to a warehouse, in which they remain at the time of A's death.

No one of these legacies is revoked by ademption.

When the thing bequeathed is a valuable to be received by the testator from a third person; and the testator himself, or his representative, receives it.

149. Where the thing bequeathed is not the right to receive something of value from a third person, but the money or other commodity which shall be received from the third person by the testator himself or by his representatives, the receipt of such sum of money or other commodity by the testator shall not constitute an ademption; but if he mixes it up with the general mass of his property, the legacy is adeemed.

Illustration.

A bequeaths to B whatever sum may be received from his claim on C. A receives the whole of his claim on C, and sets it apart from the general mass of his property. The legacy is not adeemed.

Change by operation of law of subject of specific bequest between date of Will and testator's death.

150. Where a thing specifically bequeathed undergoes a change between the date of the Will and the testator's death, and the change takes place by operation of law, or in the course of execution of the provisions of any legal instrument under which the thing bequeathed was held, the legacy is not adeemed by reason of such change.

Illustrations.

A bequeaths to B "all the money which he has in the 5½ per cent. loan of the Government of India."

The securities for the 5½ per cent. loan are converted during A's lifetime into 5 per cent. stock.

A bequeaths to B the sum of 2,000*l.*, invested in Consols in the names of trustees for A.

The sum of 2,000*l.* is transferred by the trustees into A's own name.

A bequeaths to B the sum of 10,000 rupees in promissory notes of the Government of India which he has power, under his marriage settlement, to dispose of by Will. Afterwards, in A's lifetime, the fund is converted into Consols by virtue of an authority contained in the settlement.

No one of these legacies has been adeemed.

Change of subject without testator's knowledge.

151. Where a thing specifically bequeathed undergoes a change between the date of the Will and the testator's death, and the change takes place without the knowledge or sanction of the testator, the legacy is not adeemed.

Illustration.

A bequeaths to B "all his three per cent. Consols." The Consols are, without A's knowledge, sold by his agent, and the proceeds converted into East India Stock. This legacy is not adeemed.

Stock specifically bequeathed, lent to a third party on condition that it shall be re-placed.

152. Where stock which has been specifically bequeathed is lent to a third party on condition that it shall be re-placed, and it is re-placed accordingly, the legacy is not adeemed.

Stock specifically bequeathed, sold but re-placed and belonging to the testator at his death.

153. Where stock specifically bequeathed is sold, and an equal quantity of the same stock is afterwards purchased and belongs to the testator at his death, the legacy is not adeemed.

PART XXII.

Of the Payment of Liabilities in respect of the Subject of a Bequest.

Non-liability of executor to exonerate specific legatees.

154. Where property specifically bequeathed is subject at the death of the testator to any pledge, lien, or incumbrance, created by the testator himself or by any person under whom he claims; then, unless a contrary intention appears by the Will, the legatee, if he accepts the bequest, shall accept it subject to such pledge or incumbrance, and shall (as between himself and the testator's estate) be liable to make good the amount of such pledge or incumbrance. A contrary intention shall not be inferred from any direction which the Will may contain for the payment of the testator's debts generally.

Explanation.—A periodical payment in the nature of land-revenue or in the nature of rent is not such an incumbrance as is contemplated by this Section.

Illustrations.

(*a*) A bequeaths to B the diamond ring given him by C. At A's death the ring is held in pawn by D, to whom it has been pledged by A. It is the duty of A's executors, if the state of the testator's assets will allow them, to allow B to redeem the ring.

(*b*) A bequeaths to B a zamíndárí, which at A's death is subject to a mortgage for 10,000 rupees, and the whole of the principal sum, together with interest to the amount of 1,000 rupees, is due at A's death. B, if he accepts the bequest, accepts it subject to this charge, and is liable, as between himself and A's estate, to pay the sum of 11,000 rupees thus due.

Completion of testator's title to things bequeathed to be at cost of his estate.

155. Where any thing is to be done to complete the testator's title to the thing bequeathed, it is to be done at the cost of the testator's estate.

Illustrations.

(*a*) A having contracted in general terms for the purchase of a piece of land at a certain price, bequeaths it to B, and dies before he has paid the purchase-money. The purchase-money must be made good out of A's assets.

(*b*) A having contracted for the purchase of a piece of land for a certain sum of money, one-half of which is to be paid down, and the other half secured by mortgage of the land, bequeaths it to B, and dies before he has paid or secured any part of the purchase-money. One-half of the purchase-money must be paid out of A's assets.

Exoneration of legatee's immoveable property for which land-revenue or rent is payable periodically.

156. Where there is a bequest of any interest in immoveable property, in respect of which payment in the nature of land revenue or in the nature of rent has to be made periodically, the estate of the testator shall (as between such estate and the legatee) make good such payments or a proportion of them up to the day of his death.

Illustration.

A bequeaths to B a house, in respect of which 365 rupees are payable annually by way of rent. A pays his rent at the usual time, and dies 25 days after. A's estate shall make good 25 rupees in respect of the rent.

Exoneration of specific legatee's stock in a Joint Stock Company.

157. In the absence of any direction in the Will, where there is a specific bequest of stock in a Joint Stock Company, if any call or other payment is due from the testator at the time of his death in respect of such

stock, such call or payment shall, as between the testator's estate and the legatee, be borne by such estate; but if any call or other payment shall, after the testator's death, become due in respect of such stock, the same shall, as between the testator's estate and the legatee, be borne by the legatee if he accept the bequest.

Illustrations.

(*a*) A bequeathed to B his shares in a certain railway. At A's death there was due from him the sum of 5*l.* in respect of each share, being the amount of a call which had been duly made, and the sum of 5*s.* in respect of each share, being the amount of interest which had accrued due in respect of the call. These payments must be borne by A's estate.

(*b*) A has agreed to take 50 shares in an intended Joint Stock Company, and has contracted to pay up 5*l.* in respect of each share, which sum must be paid before his title to the shares can be completed. A bequeaths these shares to B. The estate of A must make good the payments which were necessary to complete A's title.

(*c*) A bequeaths to B his shares in a certain railway. B accepts the legacy. After A's death, a call is made in respect of the shares. B must pay the call.

(*d*) A bequeaths to B his shares in a Joint Stock Company. B accepts the bequest. Afterwards the affairs of the Company are wound up, and each shareholder is called upon for contribution. The amount of the contribution must be borne by the legatee.

(*e*) A is the owner of ten shares in a Railway Company. At a meeting held during his lifetime, a call is made of 3*l.* per share, payable by three instalments. A bequeaths his shares to B, and dies between the day fixed for the payment of the first and the day fixed for the payment of the second instalment, and without having paid the first instalment. A's estate must pay the first instalment, and B, if he accepts the legacy, must pay the remaining instalments.

PART XXIII.

Of Bequests of Things described in general Terms.

Bequest of thing described in general terms.

158. If there be a bequest of something described in general terms, the executor must purchase for the legatee what may reasonably be considered to answer the description.

Illustrations.

(*a*) A bequeaths to C *a* pair of carriage horses, or *a* diamond ring. The executor must provide the legatee with such articles, if the state of the assets will allow it.

(*b*) A bequeaths to B "*his* pair of carriage horses." A had no carriage horses at the time of his death. The legacy fails.

PART XXIV.

Of Bequests of the Interest or Produce of a Fund.

Bequest of the interest or produce of a fund.

159. Where the interest or produce of a fund is bequeathed to any person, and the Will affords no indication of an intention that the enjoyment of the bequest should be of limited duration, the principal as well as the interest shall belong to the legatee.

Illustrations.

(*a*) A bequeaths to B the interest of his 5 per cent. promissory notes of the Government of India. There is no other clause in the Will affecting those securities. B is entitled to A's 5 per cent. promissory notes of the Government of India.

(*b*) A bequeaths the interest of his 5½ per cent. promissory notes of the Government of India to B for his life, and after his death to C. B is entitled to the interest of the notes during his life, and C is entitled to the notes upon B's death.

(*c*) A bequeaths to B the rents of his lands at X. B is entitled to the lands.

PART XXV.

Of Bequests of Annuities.

Annuity created by Will is payable for life only, unless a contrary intention appears by the Will.

160. Where an annuity is created by Will, the legatee is entitled to receive it for his life only, unless a contrary intention appears by the Will. And this rule shall not be varied by the circumstance that the annuity is directed to be paid out of the property generally, or that a sum of money is bequeathed to be invested in the purchase of it.

Illustrations.

(*a*) A bequeaths to B 500 rupees a year. B is entitled during his life to receive the annual sum of 500 rupees.

(*b*) A bequeaths to B the sum of 500 rupees monthly. B is entitled during his life to receive the sum of 500 rupees every month.

(*c*) A bequeaths an annuity of 500 rupees to B for life, and on B's death to C. B is entitled to an annuity of 500 rupees during his life. C, if he survives B, is entitled to an annuity of 500 rupees from B's death until his own death.

Period of vesting where Will directs that an annuity be provided out of the proceeds of property, or out of property generally, or where money is bequeathed to be invested in the purchase of an annuity.

161. Where the Will directs that an annuity shall be provided for any person out of the proceeds of property, or out of property generally, or where money is bequeathed to be invested in the purchase of an annuity for any person, on the testator's death the legacy vests in interest in the legatee, and he is entitled at his option to have an annuity purchased for him, or to receive the money appropriated for that purpose by the Will.

Illustrations.

(*a*) A by his Will directs that his executors shall out of his property purchase an annuity of 1,000 rupees for B. B is entitled at his option to have an annuity of 1,000 rupees for his life purchased for him, or to receive such a sum as will be sufficient for the purchase of such an annuity.

(*b*) A bequeaths a fund to B for his life, and directs that after B's death it shall be laid out in the purchase of an annuity for C. B and C survive the testator. C dies in B's lifetime. On B's death the fund belongs to the representative of C.

Abatement of annuity.

162. Where an annuity is bequeathed, but the assets of the testator are not sufficient to pay all the legacies given by the Will, the annuity shall abate in the same proportion as the other pecuniary legacies given by the Will.

Where there is a gift of an annuity, and a residuary gift, the whole of the annuity to be first satisfied.

163. Where there is a gift of an annuity and a residuary gift, the whole of the annuity is to be satisfied before any part of the residue is paid to the residuary legatee, and, if necessary, the capital of the testator's estate shall be applied for that purpose.

PART XXVI.

Of Legacies to Creditors and Portioners.

Creditor *primâ facie* entitled to legacy as well as debt.

164. Where a debtor bequeaths a legacy to his creditor, and it does not appear from the Will that the legacy is meant as a satisfaction of the debt, the creditor shall be entitled to the legacy as well as to the amount of the debt.

Child *primâ facie* entitled to legacy as well as portion.

165. Where a parent, who is under obligation by contract to provide a portion for a child, fails to do so, and afterwards bequeaths a legacy to the child, and does not intimate by his Will that the legacy is meant as a satisfaction of the portion, the child shall be entitled to receive the legacy as well as the portion.

Illustration.

A, by articles entered into in contemplation of his marriage with B, covenanted that he would pay to each of the daughters of the intended marriage a portion of 20,000 rupees on her marriage. This covenant having been broken, A bequeaths 20,000 rupees to each of the married daughters of himself and B. The legatees are entitled to the benefit of this bequest in addition to their portions.

No ademption by subsequent provision for legatee.

166. No bequest shall be wholly or partially adeemed by a subsequent provision made by settlement or otherwise for the legatee.

Illustrations.

(*a*) A bequeaths 20,000 rupees to his son B. He afterwards gives to B the sum of 20,000 rupees. The legacy is not thereby adeemed.

(*b*) A bequeaths 40,000 rupees to B, his orphan niece, whom he had brought up from her infancy. Afterwards, on the occasion of B's marriage, A settles upon her the sum of 30,000 rupees. The legacy is not thereby diminished.

PART XXVII.

Of Election.

Circumstances in which election takes place.

167. Where a man, by his Will, professes to dispose of something which he has no right to dispose of, the person to whom the thing belongs shall elect either to confirm such disposition or to dissent from it, and in the latter case he shall give up any benefits which may have been provided for him by the Will.

Devolution of interest relinquished by the owner.

168. The interest so relinquished shall devolve as if it had not been disposed of by the Will in favour of the legatee, subject, nevertheless, to the charge of making good to the disappointed legatee the amount or value of the gift attempted to be given to him by the Will.

Testator's belief as to his ownership immaterial.

169. This rule will apply whether the testator does or does not believe that which he professes to dispose of by his Will to be his own.

Illustrations.

(*a*) The farm of Sultánpur was the property of C. A bequeathed it to B, giving a legacy of 1,000 rupees to C. C has elected to retain his farm of Sultánpur, which is worth 800 rupees. C forfeits his legacy of 1,000 rupees, of which 800 rupees goes to B, and the remaining 200 rupees falls into the residuary bequest, or devolves according to the rules of intestate succession, as the case may be.

(*b*) A bequeaths an estate to B in case B's elder brother (who is married and has children) shall leave no issue living at his death. A also bequeaths to C a jewel, which belongs to B. B must elect to give up the jewel, or to lose the estate.

(*c*) A bequeaths to B 1,000 rupees, and to C an estate which will under a settlement belong to B if his elder brother (who is married and has children) shall leave no issue living at his death. B must elect to give up the estate, or to lose the legacy.

(*d*) A, a person of the age of 18 domiciled in British India, but owning real property in England, to which C is heir-at-law, bequeaths a legacy to C, and subject thereto devises and bequeaths to B "all his property, whatsoever and wheresoever," and dies under 21. The real property in England does not pass by the Will. C may claim his legacy without giving up the real property in England.

Bequest for a man's benefit how regarded for the purpose of election.

170. A bequest for a man's benefit is, for the purpose of election, the same thing as a bequest made to himself.

Illustration.

The farm of Sultánpur Khurd being the property of B, A bequeathed it to C; and bequeathed another farm called Sultánpur Buzurg to his own executors, with a direction that it should be sold, and the proceeds applied in payment of B's debts. B must elect whether he will abide by the Will or keep his farm of Sultánpur Khurd in opposition to it.

A person deriving a benefit indirectly not put to his election.

171. A person taking no benefit directly under the Will, but deriving a benefit under it indirectly, is not put to his election.

Illustration.

The lands of Sultánpur are settled upon C for life, and after his death upon D, his only child. A bequeaths the lands of Sultánpur to B, and 1,000 rupees to C. C dies intestate, shortly after the testator, and without having made any election. D takes out administration to C, and as administrator elects on behalf of C's estate to take under the Will. In that capacity he receives the legacy of 1,000 rupees, and accounts to B for the rents of the lands of Sultánpur which accrued after the death of the testator and before the death of C. In his individual character he retains the lands of Sultánpur in opposition to the Will.

A person taking under a Will in his individual capacity, may in another character elect to take in opposition to it.

172. A person who in his individual capacity takes a benefit under the Will, may in another character elect to take in opposition to the Will.

Illustration.

The estate of Sultánpur is settled upon A for life, and after his death upon B. A leaves the estate of Sultánpur to D, and 2,000 rupees to B, and 1,000 rupees to C, who is B's only child. B dies intestate, shortly after the testator, without having made an election. C takes out administration to B, and as administrator elects to keep the estate of Sultánpur in opposition to the Will, and to relinquish the legacy of 2,000 rupees. C may do this, and yet claim his legacy of 1,000 rupees under the Will.

Exception to the six last Rules.—Where a particular gift is expressed in the Will to be in lieu of something belonging to the legatee, which is also in terms disposed of by the Will, if the legatee claims that thing, he must relinquish the particular gift, but he is not bound to relinquish any other benefit given to him by the Will.

Illustration.

Under A's marriage settlement his wife is entitled, if she survives him, to the enjoyment of the estate of Sultánpur during her life.

A by his Will bequeaths to his wife an annuity of 200*l.* during her life, in lieu of her interest in the estate of Sultánpur, which estate he bequeaths to his son. He also gives his wife a legacy of 1,000*l.* The widow elects to take what she is entitled to under the settlement. She is bound to relinquish the annuity, but not the legacy of 1,000*l.*

When acceptance of a benefit given by a Will constitutes an election to take under the Will.

173 Acceptance of a benefit given by the Will constitutes an election by the legatee to take under the Will, if he has knowledge of his right to elect, and of those circumstances which would influence the judgment of a reasonable man in making an election, or if he waives inquiry into the circumstances.

Illustrations.

(*a*) A is owner of an estate called Sultánpur Khurd and has a life interest in another estate called Sultánpur Buzurg to which, upon his death, his son B will be absolutely entitled. The Will of A gives the estate of Sultánpur Khurd to B, and the estate of Sultánpur Buzurg to C. B, in ignorance of his own right to the estate of Sultánpur Buzurg, allows C to take possession of it, and enters into possession of the estate of Sultánpur Khurd. B has not confirmed the bequest of Sultánpur Buzurg to C.

(*b*) B, the eldest son of A, is the possessor of an estate called Sultánpur. A bequeaths Sultánpur to C, and to B the residue of A's property. B, having been informed by A's executors that the residue will amount to 5,000 rupees, allows C to take possession of Sultánpur. He afterwards discovers that the residue does not amount to more than 500 rupees. B has not confirmed the bequest of the estate of Sultánpur to C.

Presumption arising from enjoyment by legatee for two years.

174. Such knowledge or waiver of inquiry shall, in the absence of evidence to the contrary, be presumed if the legatee has enjoyed for two years the benefits provided for him by the Will without doing any act to express dissent.

Confirmation of bequest by act of legatee.

175. Such knowledge or waiver of inquiry may be inferred from any act of the legatee which renders it impossible to place the persons interested in the subject-matter of the bequest in the same condition as if such act had not been done.

Illustration.

A bequeaths to B an estate to which C is entitled, and to C a coal mine. C takes possession of the mine, and exhausts it. He has thereby confirmed the bequest of the estate to B.

When testator's representatives may call upon legatee to elect.

176. If the legatee shall not, within one year after the death of the testator, signify to the testator's representatives his intention to confirm or to dissent from the Will, the representatives shall, upon the expiration of that period, require him to make his election; and if he does not comply with such requisition within a reasonable time after he has received it, he shall be deemed to have elected to confirm the Will.

Effect of non-compliance with their request within a reasonable time.

Postponement of election in case of disability.

177. In case of disability the election shall be postponed until the disability ceases, or until the election shall be made by some competent authority.

PART XXVIII.

Of Gifts in Contemplation of Death.

Property transferable by gift made in contemplation of death.

178. A man may dispose, by gift made in contemplation of death, of any moveable property which he could dispose of by Will. A gift is said to be made in contemplation of death where a man who is ill and expects to die shortly of his illness, delivers to another the possession of any moveable property to keep as a gift in case the donor shall die of that illness. Such a gift may be resumed by the giver. It does not take effect if he recovers from the illness during which it was made; nor if he survives the person to whom it was made.

When a gift is said to be made in contemplation of death.

Such gift resumable.

When it fails.

Illustrations.

(*a*) A being ill, and in expectation of death, delivers to B, to be retained by him in case of A's death—

A watch.
A bond granted by C to A.
A Bank Note.
A promissory note of the Government of India endorsed in blank.
A Bill of Exchange endorsed in blank.
Certain mortgage deeds.

A dies of the illness during which he delivered these articles.

B is entitled to—
The watch.
The debt secured by C's bond.
The Bank Note.
The promissory note of the Government of India.
The Bill of Exchange.
The money secured by the mortgage deed.

(*b*) A being ill, and in expectation of death, delivers to B the key of a trunk, or the key of a warehouse in which goods of bulk belonging to A are deposited, with the intention of giving him the control over the contents of the trunk, or over the deposited goods, and desires him to keep them in case of A's death. A dies of the illness during which he delivered these articles. B is entitled to the trunk and its contents, or to A's goods of bulk in the warehouse.

(*c*) A being ill and in expectation of death, puts aside certain articles in separate parcels, and marks upon the parcels respectively the names of B and C. The parcels are not delivered during the life of A. A dies of the illness during which he set aside the parcels. B and C are not entitled to the contents of the parcels.

PART XXIX.

Of Grant of Probate and Letters of Administration.

Character and property of executor or administrator as such.

179. The executor or administrator, as the case may be, of a deceased person, is his legal representative for all purposes, and all the property of the deceased person vests in him as such.

Administration with copy annexed of authenticated copy of Will proved abroad.

180. When a Will has been proved and deposited in a Court of competent jurisdiction, situated beyond the limits of the Province, whether in the British dominions or in a foreign country, and a properly authenticated copy of the Will is produced, letters of administration may be granted with a copy of such copy annexed.

Probate to be granted to executor appointed by Will.

181. Probate can be granted only to an executor appointed by the Will.

Appointment express or implied.

182. The appointment may be express or by necessary implication.

Illustrations.

(*a*) A wills that C be his executor if B will not; B is appointed executor by implication.

(*b*) A gives a legacy to B and several legacies to other persons, among the rest to his daughter-in-law, C, and adds, "but should the within-named C be not living, I do constitute and appoint B my whole and sole executrix." C is appointed executrix by implication.

(*c*) A appoints several persons executors of his Will and Codicils, and his nephew residuary legatee, and in another Codicil are these words:—"I appoint my nephew my residuary legatee to discharge all lawful demands against my Will and Codicils, signed of different dates." The nephew is appointed an executor by implication.

Persons to whom probate cannot be granted.

183. Probate cannot be granted to any person who is a minor or is of unsound mind, nor to a married woman without the previous consent of her husband.

Grant of probate to several executors simultaneously or at different times.

184. When several executors are appointed, probate may be granted to them all simultaneously or at different times.

Illustration.

A is an executor of B's Will by express appointment, and C an executor of it by implication. Probate may be granted to A and C at the same time, or to A first and then to C, or to C first and then to A.

Separate probate of Codicil discovered after grant of probate.

185. If a Codicil be discovered after the grant of probate, a separate probate of that Codicil may be granted to the executor, if it in no way repeals the appointment of executors made by the Will.

Procedure when different executors are appointed by the Codicil.

If different executors are appointed by the Codicil, the probate of the Will must be revoked, and a new probate granted of the Will and the Codicil together.

Accrual of representation to surviving executor.

186. When probate has been granted to several executors, and one of them dies, the entire representation of the testator accrues to the surviving executor or executors.

No right as executor or legatee can be established, unless probate or letters of administration shall have been granted by a competent Court.

187. No right as executor or legatee can be established in any Court of Justice, unless a Court of competent jurisdiction within the Province shall have granted probate of the Will under which the right is claimed, or shall have granted letters of administration under the one hundred and eightieth Section.

Probate establishes the Will from testator's death.

188. Probate of a Will when granted establishes the Will from the death of the testator, and renders valid all intermediate acts of the executor as such.

Persons to whom letters of administration may not be granted.

189. Letters of administration cannot be granted to any person who is a minor or is of unsound mind, nor to a married woman without the previous consent of her husband.

No right to intestate's property can be established, unless administration previously granted by a competent Court.

190. No right to any part of the property of a person who has died intestate can be established in any Court of Justice, unless letters of administration have first been granted by a Court of competent jurisdiction.

From what period letters of administration entitle administrator to intestate's rights.

191. Letters of administration entitle the administrator to all rights belonging to the intestate as effectually as if the administration had been granted at the moment after his death.

Acts of administrator not validated by letters of administration.

192. Letters of administration do not render valid any intermediate acts of the administrator, tending to the diminution or damage of the intestate's estate.

Grant of administration where executor has not renounced.

193. When a person appointed an executor has not renounced the executorship, letters of administration shall not be granted to any other person until a citation has been issued, calling upon the executor to accept or renounce his executorship; except that

Exception.

when one or more of several executors have proved a Will, the Court may, on the death of the survivor of those who have proved, grant letters of administration without citing those who have not proved.

Form and effect of renunciation of executorship.

194. The renunciation may be made orally in the presence of the Judge, or by a writing signed by the person renouncing, and when made shall preclude him from ever thereafter applying for probate of the Will appointing him executor.

Procedure where executor renounces or fails to accept within the time limited.

195. If the executor renounce, or fail to accept the executorship within the time limited for the acceptance or refusal thereof, the Will may be proved and letters of administration, with a copy of the Will annexed, may be granted to the person who would be entitled to administration in case of intestacy.

Grant of administration to universal or residuary legatee.

196. When the deceased has made a Will, but has not appointed an executor, or when he has appointed an executor who is legally incapable or refuses to act, or has died before the testator, or before he has proved the Will, or when the executor dies after having proved the Will but before he has administered all the estate of the deceased; an universal or a residuary legatee may be admitted to prove the Will, and letters of administration with the Will annexed may be granted to him of the whole estate, or of so much thereof as may be unadministered.

Right to administration of representative of deceased residuary legatee.

197. When a residuary legatee who has a beneficial interest survives the testator, but dies before the estate has been fully administered, his representative has the same right to administration with the Will annexed as such residuary legatee.

Grant of administration when there is no executor, nor residuary legatee, nor representative of such legatee.

198. When there is no executor and no residuary legatee or representative of a residuary legatee, or he declines or is incapable to act, or cannot be found, the person or persons who would be entitled to the administration of the estate of the deceased if he had died intestate, or any other legatee having a beneficial interest, or a creditor, may be admitted to prove the Will, and letters of administration may be granted to him or them accordingly.

Citation to be issued before grant of administration to any legatee other than universal or residuary.

199. Letters of administration with the Will annexed shall not be granted to any legatee other than an universal or a residuary legatee, until a citation has been issued and published in the manner hereinafter mentioned, calling on the next of kin to accept or refuse letters of administration.

Order in which connections by marriage or consanguinity are entitled to administration.

200. When the deceased has died intestate, those who are connected with him either by marriage or by consanguinity, are entitled to obtain letters of administration of his estate and effects in the order and according to the rules hereinafter stated.

Administration to be granted to widow unless Court see cause to exclude her.

201. If the deceased has left a widow, administration shall be granted to the widow unless the Court shall see cause to exclude her, either on the ground of some personal disqualification, or because she has no interest in the estate of the deceased.

Illustrations.

(*a*) The widow is a lunatic, or has committed adultery, or has been barred by her marriage settlement of all interest in her husband's estate; there is cause for excluding her from the administration.

(*b*) The widow has married again since the decease of her husband; this is not good cause for her exclusion.

Persons associated with widow in administration.

202. If the Judge think proper, he may associate any person or persons with the widow in the administration, who would be entitled solely to the administration if there were no widow.

Grant of administration where no widow, or widow excluded.

203. If there be no widow, or if the Court see cause to exclude the widow, it shall commit the administration to the person or persons who would be beneficially entitled to the estate according to the rules for the distribution of an intestate's estate; provided that when the mother of the deceased shall be one of the class of persons so entitled, she shall be solely entitled to administration.

Proviso.

Deceased's kindred of equal degree, equally entitled to administration.

204. Those who stand in equal degree of kindred to the deceased, are equally entitled to administration.

Right of widower to administration of wife's estate.

205. The husband, surviving his wife, has the same right of administration of her estate as the widow has in respect of the estate of her husband.

Grant of administration to a creditor.

206. When there is no person connected with the deceased by marriage or consanguinity who is entitled to letters of administration and willing to act, they may be granted to a creditor.

Where deceased has left property in British India, administration must be granted according to the foregoing rules.

207. Where the deceased has left property in British India, letters of administration must be granted according to the foregoing rules, although he may have been a domiciled inhabitant of a country in which the law relating to testate and intestate succession differs from the law of British India.

PART XXX.

Of Limited Grants.

(*a*). *Grants limited in Duration.*

Probate of copy or draft of lost Will.

208. When the Will has been lost or mislaid since the testator's death, or has been destroyed by wrong or accident and not by any act of the testator, and a copy or the draft of the Will has been preserved, probate may be granted of such copy or draft, limited until the original or a properly authenticated copy of it be produced.

Probate of contents of lost or destroyed Will.

209. When the Will has been lost or destroyed and no copy has been made nor the draft preserved, probate may be granted of its contents, if they can be established by evidence.

Probate of copy where original exists.

210. When the Will is in the possession of a person residing out of the Province in which application for probate is made, who has refused or neglected to deliver it up, but a copy has been transmitted to the executor, and it is necessary for the interests of the estate that probate should be granted without waiting for the arrival of the original, probate may be granted of the copy so transmitted, limited until the Will or an authenticated copy of it be produced.

Administration until the Will be produced.

211. Where no Will of the deceased is forthcoming, but there is reason to believe that there is a Will in existence, letters of administration may be granted, limited until the Will, or an authenticated copy of it, be produced.

(*b*). *Grants for the Use and Benefit of Others having Right.*

Administration, with the Will annexed, to Attorney of an absent executor.

212. When any executor is absent from the Province in which application is made, and there is no executor within the Province willing to act, letters of administration, with the Will annexed, may be granted to the Attorney of the absent executor, for the use and benefit of his principal, limited until he shall obtain probate or letters of administration granted to himself.

213. When any person to whom, if present, letters of administration, with the Will annexed, might be granted, is absent from the Province, letters of administration, with the Will annexed, may be granted to his Attorney, limited as above mentioned.

Administration, with the Will annexed to Attorney of an absent person, who, if present, would be entitled to administer.

214. When a person entitled to administration in case of intestacy is absent from the Province, and no person equally entitled is willing to act, letters of administration may be granted to the Attorney of the absent person, limited as before mentioned.

Administration to Attorney of absent person entitled to administer in case of intestacy.

215. When a minor is sole executor or sole residuary legatee, letters of administration, with the Will annexed, may be granted to the legal guardian of such minor or to such other person as the Court shall think fit until the minor shall have completed the age of eighteen years, at which period and not before probate of the Will shall be granted to him.

Administration during minority.

216. When there are two or more minor executors and no executor who has attained majority, or two or more residuary legatees and no residuary legatee who has attained majority, the grant shall be limited until one of them shall have completed the age of eighteen years.

Administration until one of several minor executors or residuary legatees attains majority.

217. If a sole executor or a sole universal or residuary legatee, or a person who would be solely entitled to the estate of the intestate according to the rule for the distribution of intestates' estates, be a lunatic, letters of administration, with or without the Will annexed, as the case may be, shall be granted to the person to whom the care of his estate has been committed by competent authority, or if there be no such person to such other person as the Court may think fit to appoint, for the use and benefit of the lunatic until he shall become of sound mind.

Administration for use and benefit of lunatic *jus habens.*

218. Pending any suit touching the validity of the Will of a deceased person, or for obtaining or revoking any probate or any grant of letters of administration, the Court may appoint an administrator of the estate of such deceased person, who shall have all the rights and powers of a general administrator, other than the right of distributing such estate, and every such administrator shall be subject to the immediate control of the Court and shall act under its direction.

Administration *pendente lite.*

(c). For Special Purposes.

219. If an executor be appointed for any limited purpose specified in the Will, the probate shall be limited to that purpose, and if he should appoint an Attorney to take administration on his behalf, the letters of administration with the Will annexed shall accordingly be limited.

Probate limited to purposes specified in the Will.

220. If an executor appointed generally give an authority to an Attorney to prove a Will on his behalf, and the authority is limited to a particular purpose, the letters of administration with the Will annexed shall be limited accordingly.

Administration with the Will annexed limited to a particular purpose.

221. Where a person dies, leaving property of which he was the sole or surviving trustee, or in which he had no beneficial interest on his own account, and leaves no general representative, or one who is unable or unwilling to act as such, letters of administration, limited to such property, may be granted to the person beneficially interested in the property, or to some other person on his behalf.

Administration limited to property in which a person has a beneficial interest.

222. When it is necessary that the representative of a person deceased be made a party to a pending suit, and the executor or person entitled to administration is unable or unwilling to act, letters of administration may be granted to the nominee of a party in such suit, limited for the purpose of representing the deceased in the said suit, or in any other cause or suit which may be commenced in the same or in any other Court between the parties, or any other parties, touching the matters at issue in the said cause or suit, and until a final decree shall be made therein and carried into complete execution.

Administration limited to a suit.

223. If at the expiration of twelve months from the date of any probate or letters of administration, the executor or administrator to whom the same has been granted is absent from the Province within which the Court that has granted the probate or letters of administration is situate, it shall be lawful for such Court to grant, to any person whom it may think fit, letters of administration limited to the purpose of becoming and being made a party to a suit to be brought against the executor or administrator, and carrying the decree which may be made therein into effect.

Administration limited to the purpose of becoming a party to a suit to be brought against administrator.

224. In any case in which it may appear necessary for preserving the property of a deceased person, the Court within whose district any of the property is situate, may grant to any person whom such Court may think fit, letters of administration limited to the collection and preservation of the property of the deceased, and giving discharges for debts due to his estate, subject to the directions of the Court.

Administration limited to collection and preservation of deceased's property.

225. When a person has died intestate, or leaving a Will of which there is no executor willing and competent to act, or where the executor shall, at the time of the death of such person, be resident out of the Province, and it shall appear to the Court to be necessary or convenient to appoint some person to administer the estate or any part thereof, other than the person who under ordinary circumstances would be entitled to a grant of administration, it shall be lawful for the Judge, in his discretion, having regard to consanguinity, amount of interest, the safety of the estate, and probability that it will be properly administered, to appoint such person as he shall think fit to be administrator, and in every such case letters of administration may be limited or not as the Judge shall think fit.

Appointment as administrator, of person other than the one, who under ordinary circumstances would be entitled to administration.

(d) Grants with Exception.

Probate or administration with the Will annexed, subject to exception.

226. Whenever the nature of the case requires that an exception be made, probate of a Will, or letters of administration with the Will annexed, shall be granted subject to such exception.

Administration with exception.

227. Whenever the nature of the case requires that an exception be made, letters of administration shall be granted subject to such exception.

(e) Grants of the Rest.

Probate or administration of the rest.

228. Whenever a grant, with exception, of probate or letters of administration, with or without the Will annexed, has been made, the person entitled to probate or administration of the remainder of the deceased's estate may take a grant of probate or letters of administration, as the case may be, of the rest of the deceased's estate.

(f) Grants of Effects unadministered.

Grant of effects unadministered.

229. If the executor to whom probate has been granted have died leaving a part of the testator's estate unadministered, a new representative may be appointed for the purpose of administering such part of the estate.

Rules as to grants of effects unadministered.

230. In granting letters of administration of an estate not fully administered, the Court shall be guided by the same rules as apply to original grants, and shall grant letters of administration to those persons only to whom original grants might have been made.

Administration when a limited grant has expired, and there is still some part of the estate unadministered.

231. When a limited grant has expired by effluxion of time, or the happening of the event or contingency on which it was limited, and there is still some part of the deceased's estate unadministered, letters of administration shall be granted to those persons to whom original grants might have been made.

(g) Alteration in Grants.

What errors may be rectified by the Court.

232. Errors in names and descriptions, or in setting forth the time and place of the deceased's death, or the purpose in a limited grant, may be rectified by the Court, and the grant of probate or letters of administration may be altered and amended accordingly.

Procedure where Codicil discovered after grant of administration with Will annexed.

233. If, after the grant of letters of administration with the Will annexed, a Codicil be discovered, it may be added to the grant on due proof and identification, and the grant altered and amended accordingly.

(h) Revocation of Grants.

Revocation or annulment for just cause, of grant of probate or administration.

234. The grant of probate or letters of administration may be revoked or annulled for just cause.

"Just cause."

Explanation.—Just cause is, 1st, that the proceedings to obtain the grant were defective in substance; 2nd, that the grant was obtained fraudulently by making a false suggestion, or by concealing from the Court something material to the case; 3rd, that the grant was obtained by means of an untrue allegation of a fact essential in point of law to justify the grant, though such allegation was made in ignorance or inadvertently; 4th, that the grant has become useless and inoperative through circumstances.

Illustrations.

(a) The Court by which the grant was made had no jurisdiction.

(b) The grant was made without citing parties who ought to have been cited.

(c) The Will of which probate was obtained was forged or revoked.

(d) A obtained letters of administration to the estate of B, as his widow, but it has since transpired that she was never married to him.

(e) A has taken administration to the estate of B as if he had died intestate, but a Will has since been discovered.

(f) Since probate was granted, a later Will has been discovered.

(g) Since probate was granted, a Codicil has been discovered, which revokes or adds to the appointment of executors under the Will.

(h) The person to whom probate was or letters of administration were granted has subsequently become of unsound mind.

PART XXXI.

Of the Practice in granting and revoking Probates and Letters of Administration.

Jurisdiction of District Judge in granting and revoking probates and letters of administration.

235. The District Judge shall have jurisdiction in granting and revoking probates and letters of administration in all cases within his District.

District Judge's powers as to the granting of probate and administration.

236. The District Judge shall have the like powers and authority in relation to the granting of probate and letters of administration, and all matters connected therewith, as are by law vested in him in relation to any Civil suit or proceeding depending in his Court.

District Judge may order any person to produce testamentary papers.

237. The District Judge may order any person to produce and bring into Court any paper or writing being or purporting to be testamentary, which may be shown to be in the possession or under the control of such person; and if it be not shown that any such paper or writing is in the possession or under the control of such person, but there is reason to believe that he has the knowledge of any such paper or writing, the Court may direct such person to attend for the purpose of being examined respecting the same, and such person shall be bound to answer such questions as may be put to him by the Court, and, if so ordered, to produce and bring in such paper or writing, and shall be subject to the like punishment under the Indian Penal Code, in case of default in not attending or in not answering such questions or not bringing in such paper or writing, as he would have been subject to

in case he had been a party to a suit, and had made such default, and the costs of the proceeding shall be in the discretion of the Judge.

Proceedings of District Judge's Court in relation to probate and administration.

238. The proceedings of the Court of the District Judge in relation to the granting of probate and letters of administration shall, except as hereinafter otherwise provided, be regulated so far as the circumstances of the case will admit by the Code of Civil Procedure.

When and how District Judge is to interfere for the protection of property.

239. Until probate be granted of the Will of a deceased person, or an administrator of his estate be constituted, the District Judge within whose jurisdiction any part of the property of the deceased person is situate, is authorized and required to interfere for the protection of such property, at the instance of any person claiming to be interested therein, and in all other cases where the Judge considers that the property incurs any risk of loss or damage; and for that purpose, if he shall see fit, to appoint an officer to take and keep possession of the property.

Probate or administration may be granted by District Judge, when testator or intestate at his death had a fixed dwelling or any property within the jurisdiction.

240. Probate of the Will or letters of administration to the estate of a deceased person may be granted by the District Judge under the seal of his Court, if it shall appear by a petition verified as hereinafter mentioned, of the person applying for the same, that the testator or intestate, as the case may be, at the time of his decease, had a fixed place of abode, or any property, moveable or immoveable, within the jurisdiction of the Judge.

When application is made to the Judge of a District in which the deceased had no fixed abode.

241. When the application is made to the Judge of a District in which the deceased had no fixed abode at the time of his death, it shall be in the discretion of the Judge to refuse the application, if in his judgment it could be disposed of more justly or conveniently in another District, or where the application is for letters of administration, to grant them absolutely or limited to the property within his own jurisdiction.

Conclusiveness of probate or letters of administration.

242. Probate or letters of administration shall have effect over all the property and estate, moveable or immoveable, of the deceased, throughout the Province in which the same is granted, and shall be conclusive as to the representative title against all debtors of the deceased, and all persons holding property which belongs to him, and shall afford full indemnity to all debtors paying their debts, and all persons delivering up such property to the person to whom such probate or letters of administration shall have been granted.

Conclusiveness of application for probate or administration, if properly made and verified.

243. The application for probate or letters of administration, if made and verified in the manner hereinafter mentioned, shall be conclusive for the purpose of authorizing the grant of probate or administration, and no such grant shall be impeached, by reason that the testator or intestate had no fixed place of abode, or no property within the District at the time of his death, unless by a proceeding to revoke the grant if obtained by a fraud upon the Court.

Petition for probate.

244. Application for probate shall be made by a petition distinctly written in English or in the language in ordinary use in proceedings before the Court in which the application is made, with the Will annexed, and stating the time of the testator's death, that the writing annexed is his last Will and testament, that it was duly executed, and that the petitioner is the executor therein named; and in addition to these particulars, when the application is to the District Judge, the petition shall further state that the deceased at the time of his death had his fixed place of abode, or had some property, moveable or immoveable, situate within the jurisdiction of the Judge.

In what cases translation of Will to be annexed to the petition.

245. In cases wherein the Will is written in any language other than English or than that in ordinary use in proceedings before the Court, there shall be a translation thereof annexed to the petition by a translator of the Court, if the language be one for which a translator is appointed; or if the Will be in any other language, then by any person competent to translate the same, in which case such translation shall be verified by that person in the following manner:—"I (A B) do declare that I read and perfectly understand the language and character of the original, and that the above is a true and accurate translation thereof."

Verification of translation made by any person other than the Court translator.

Petition for letters of administration.

246. Applications for letters of administration shall be made by petition distinctly written as aforesaid, and stating the time and place of the deceased's death, the family or other relatives of the deceased, and their respective residences, the right in which the petitioner claims, that the deceased left some property within the jurisdiction of the District Judge to whom the application is made, and the amount of assets which are likely to come to the petitioner's hands.

Petition for probate or letters of administration to be signed and verified.

247. The petition for probate or letters of administration shall in all cases be subscribed by the petitioner and his pleader, if any, and shall be verified by the petitioner in the following manner or to the like effect:—

"I (*A B*), the petitioner in the above petition, declare that what is stated therein is true to the best of my information and belief."

Verification of petition for probate by one of the witnesses to the Will.

248. Where the application is for probate, the petition shall also be verified by at least one of the witnesses to the Will (when procurable), in the manner or to the effect following:—

"I (*C D*), one of the witnesses to the last Will and testament of the testator mentioned in the above petition, declare that I was present and saw the said testator affix his signature (*or* mark) thereto (*as the case may be*), (*or* that the said tes-

tator acknowledged the writing annexed to the above petition to be his last Will and testament in my presence").

Punishment for making false averment in petition or declaration.

249. If any petition or declaration which is hereby required to be verified shall contain any averment which the person making the verification knows or believes to be false, such person shall be subject to punishment according to the provisions of the law for the time being in force for the punishment of giving or fabricating false evidence.

District Judge may examine petitioner in person and require further evidence, and issue citations to inspect the proceedings.

250. In all cases it shall be lawful for the District Judge, if he shall think proper, to examine the petitioner in person, upon oath or solemn affirmation, and also to require further evidence of the due execution of the Will, or the right of the petitioner to the letters of administration, as the case may be, and to issue citations calling upon all persons claiming to have any interest in the estate of the deceased to come and see the proceedings before the grant of probate or letters of administration. The citation shall be fixed up in some conspicuous part of the Court-house, and also in the office of the Collector of the District, and otherwise published or made known in such manner as the Judge issuing the same may direct.

Publication of citation.

Caveat against grant of probate or administration.

251. Caveats against the grant of probate or administration may be lodged with the District Judge; and immediately on a caveat being entered with the District Judge, a copy thereof shall be given to any other Judge to whom it may appear to the District Judge expedient to transmit the same.

Form of caveat.

252. The caveat shall be to the following effect:—"Let nothing be done in the matter of the estate of A B, late of , deceased, who died on the day of at , without notice to C D of ."

After entry of caveat, no proceeding to be taken on the petition until after notice to the caveator.

253. No proceeding shall be taken on a petition for probate or letters of administration after a caveat against the grant thereof has been entered with the Judge to whom the application has been made, until after such notice to the person by whom the same has been entered as the Court shall think reasonable.

Grant of probate to be under seal of the Court.

254. When it shall appear to the Judge that probate of a Will should be granted, he will grant the same under the seal of his Court in manner following:—

Form of such grant.

"I, Judge of the District of hereby make known that on the day of in the year the last Will of late of , a copy whereof is hereunto annexed, was proved and registered before me, and that administration of the property and credits of the said deceased, and in any way concerning his Will, was granted to the executor in the said Will named, he having undertaken to administer the same, and to make a true inventory of the said property and credits, and to exhibit the same at or before the expiration of a year next ensuing, and also to render a true account thereof."

Grant of letters of administration to be under seal of Court.

255. And wherever it shall appear to the District Judge that letters of administration to the estate of a person deceased, with or without a copy of the Will annexed, should be granted, he will grant the same under the seal of his Court in manner following:—

Form of such grant.

"I, , Judge of the District of , hereby make known that on the day of . letters of administration (with *or* without the Will annexed, *as the case may be*) of the property and credits of , late of , deceased, were granted to , the father *(or as the case may be)* of the deceased, he having undertaken to administer the same, and to make a true inventory of the said property and credits, and to exhibit the same in this Court at or before the expiration of one year next ensuing, and also to render a true account thereof."

Administration Bond.

256. Every person to whom any grant of administration shall be committed shall give a bond to the Judge of the District Court to enure for the benefit of the Judge for the time being, with one or more surety or sureties, engaging for the due collection, getting in, and administering the estate of the deceased, which bond shall be in such form as the Judge shall from time to time by any general or special order direct.

Assignment of administration-bond.

257. The Court may, on application made by petition and on being satisfied that the engagement of any such bond has not been kept, and upon such terms as to security, or providing that the money received be paid into Court, or otherwise as the Court may think fit, assign the same to some person, his executors or administrators, who shall thereupon be entitled to sue on the said bond in his own name as if the same had been originally given to him instead of to the Judge of the Court, and shall be entitled to recover thereon as trustee for all persons interested, the full amount recoverable in respect of any breach thereof.

Probate not to be granted until after seven days, and letters of administration until after fourteen days, from the testator's or intestate's death.

258. No probate of a Will shall be granted until after the expiration of seven clear days, and no letters of administration shall be granted until after the expiration of fourteen clear days from the day of the testator or intestate's death.

Filing of original Wills of which probate or letters of administration with Will annexed have been granted.

259. Every District Judge shall file and preserve all original Wills of which probate or letters of administration with the Will annexed may be granted by him among the records of his Court, until some public registry for Wills is established; and the Local Government shall make regulations for the pre-

servation and inspection of the Wills so filed as aforesaid.

Grantee of probate or letters of administration shall alone have power to sue, &c., until the same shall have been revoked.

260. After any grant of probate or letters of administration, no other than the person to whom the same shall have been granted shall have power to sue or prosecute any suit, or otherwise act as representative of the deceased, throughout the Province in which the same may have been granted, until such probate or letters of administration shall have been recalled or revoked.

Procedure in contentious cases.

261. In any case before the District Judge in which there is contention, the proceedings shall take, as nearly as may be, the form of a regular suit, according to the provisions of the Code of Civil Procedure, in which the petitioner for probate or letters of administration, as the case may be, shall be the plaintiff, and the person who may have appeared as aforesaid to oppose the grant shall be the defendant.

Payment to executor or administrator before probate or letters of administration revoked.

Right of such executor or administrator to recoup himself for payments.

262. Where any probate is or letters of administration are revoked, all payments *bonâ fide* made to any executor or administrator under such probate or administration before the revocation thereof shall, notwithstanding such revocation, be a legal discharge to the person making the same; and the executor or administrator who shall have acted under any such revoked probate or administration may retain and reimburse himself in respect of any payments made by him, which the person to whom probate or letters of administration shall be afterwards granted might have lawfully made.

Appeals from orders made by District Judge under powers conferred by this Act.

263. Every order made by a District Judge by virtue of the powers hereby conferred upon him, shall be subject to appeal to the High Court under the rules contained in the Code of Civil Procedure applicable to appeals.

Concurrent Jurisdiction of High Court.

264. The High Court shall have concurrent jurisdiction with the District Judge in the exercise of all the powers hereby conferred upon the District Judge.

PART XXXII.

Of Executors of their own Wrong.

Executor of his own wrong.

265. A person who intermeddles with the estate of the deceased, or does any other act which belongs to the office of executor, while there is no rightful executor or administrator in existence, thereby makes himself an executor of his own wrong.

Exceptions. First.—Intermeddling with the goods of the deceased for the purpose of preserving them, or providing for his funeral or for the immediate necessities of his family or property, does not make an executor of his own wrong.

Second.—Dealing in the ordinary course of business with goods of the deceased received from another, does not make an executor of his own wrong.

Illustrations.

(*a*) A uses or gives away or sells some of the goods of the deceased or takes them to satisfy his own debt or legacy, or receives payment of the debts of the deceased. He is an executor of his own wrong.

(*b*) A having been appointed agent by the deceased in his lifetime to collect his debts and sell his goods, continues to do so after he has become aware of his death. He is an executor of his own wrong in respect of acts done after he has become aware of the death of the deceased.

(*c*) A sues as executor of the deceased not being such. He is an executor of his own wrong.

Liability of an executor of his own wrong.

266. When a person has so acted as to become an executor of his own wrong, he is answerable to the rightful executor or administrator, or to any creditor or legatee of the deceased, to the extent of the assets which may have come to his hands, after deducting payments made to the rightful executor or administrator, and payments made in a due course of administration.

PART XXXIII.

Of the Powers of an Executor or Administrator.

In respect of causes of action surviving the deceased, and rents due at the time of his death.

267. An executor or administrator has the same power to sue in respect of all causes of action that survive the deceased, and to distrain for all rents due to him at the time of his death, as the deceased had when living.

Demands and rights of action in favour of or against deceased, survive to and against his executor or administrator.

268. All demands whatsoever and all rights to prosecute or defend any action or special proceeding, existing in favour of or against a person at the time of his decease, survive to and against his executors or administrators; except causes of action for defamation, assault as defined in the Indian Penal Code, or other personal injuries not causing the death of the party; and except also cases where, after the death of the party, the relief sought could not be enjoyed, or granting it would be nugatory.

Illustrations.

(*a*) A collision takes place on a railway in consequence of some neglect or default of the officials, and a passenger is severely hurt, but not so as to cause death. He afterwards dies without having brought any action. The cause of action does not survive.

(*b*) A sues for divorce. A dies. The cause of action does not survive to his representative.

Power of executor or administrator to dispose of deceased's property.

269. An executor or administrator has power to dispose of the property of the deceased, either wholly or in part, in such manner as he may think fit.

Illustrations.

(*a*) The deceased has made a specific bequest of part of his property. The executor, not having assented to the bequest, sells the subject of it. The sale is valid.

(*b*) The executor, in the exercise of his discretion, mortgages a part of the immoveable estate of the deceased. The mortgage is valid.

270. If an executor or administrator purchases, either directly or indirectly, any part of the property of the deceased, the sale is voidable at the instance of any other person interested in the property sold.

Purchase by executor or administrator of deceased's property.

271. When there are several executors or administrators, the powers of all may, in the absence of any direction to the contrary, be exercised by any one of them who has proved the Will or taken out admininistration.

Powers of several executors or administrators, exercisable by one.

Illustrations.

(*a*) One of the several executors has power to release a debt due to the deceased.

(*b*) One has power to surrender a lease.

(*c*) One has power to sell the property of the deceased, moveable or immoveable.

(*d*) One has power to assent to a legacy.

(*e*) One has power to endorse a promissory note payable to the deceased

(*f*) The Will appoints A, B, C and D to be executors, and directs that two of them shall be a quorum. No act can be done by a single executor.

272. Upon the death of one or more of several executors or administrators, all the powers of the office become vested in the survivors or survivor.

Survival of powers on death of one of several executors or administrators.

273. The administrator of effects unadministered has, with respect to such effects, the same power as the original executor or administrator.

Powers of administrator of effects unadministered.

274. An administrator during minority has all the powers of an ordinary administrator.

Powers of administrator during minority.

275. When probate or letters of administration have been granted to a married woman, she has all the powers of an ordinary executor or administrator.

Powers of married executrix or administratrix.

PART XXXIV.

Of the Duties of an Executor or Administrator.

276. It is the duty of the executor to perform the funeral of the deceased in a manner suitable to his condition, if he has left property sufficient for the purpose.

As to deceased's funeral.

277. An executor or administrator shall, within six months from the grant of probate or letters of administration, exhibit in the Court by which the same may have been granted an inventory containing a full and true estimate of all the property in possession, and all the credits, and also all the debts owing by any person or persons to which the executor or administrator is entitled in that character, and shall in like manner, within one year from the date aforesaid, exhibit an account of the estate, showing the assets that may have come to his hands, and the manner in which they have been applied or disposed of.

Inventory and account.

278. The executor or administrator shall collect, with reasonable diligence, the property of the deceased and the debts that were due to him at the time of his death.

Duty of executor or administrator as to property of, and debts owing to, the deceased.

279. Funeral expenses to a reasonable amount, according to the degree and quality of the deceased, and death-bed charges, including fees for medical attendance, and board and lodging for one month previous to his death, are to be paid before all debts.

Expenses to be paid before all debts.

280. The expenses of obtaining probate or letters of administration, including the costs incurred for or in respect of any judicial proceedings that may be necessary for administering the estate, are to be paid next after the funeral expenses and death-bed charges.

Expenses to be paid next after such expenses.

281. Wages due for services rendered to the deceased within three months next preceding his death by any labourer, artizan, or domestic servant are next to be paid, and then the other debts of the deceased.

Wages for certain services to be next paid, and then the other debts.

282. Save as aforesaid, no creditor is to have a right of priority over another, by reason that his debt is secured by an instrument under seal, or on any other account. But the executor or administrator shall pay all such debts as he knows of, including his own, equally and rateably, as far as the assests of the deceased will extend.

Save as aforesaid, all debts to be paid equally and rateably.

283. If the domicile of the deceased was not in British India, the application of his moveable property to the payment of his debts is to be regulated by the law of the country in which he was domiciled.

Application of moveable property to payment of debts, where the deceased's domicile was not in British India.

Illustration.

A dies, having his domicile in a country where instruments under seal have priority over instruments not under seal, leaving moveable property to the value of 10,000 rupees, immoveable property to the value of 5,000 rupees, debts on instruments under seal to the amount of 10,000 rupees, and debts on instruments not under seal to the same amount. The debts on the instruments under seal are to be paid in full out of the moveable estate, and the proceeds of the immoveable estate are to be applied as far as they will extend towards the discharge of the debts not under seal. Accordingly, one-half of the amount of the debts not under seal is to be paid out of the proceeds of the immoveable estate.

284. No creditor who has received payment of a part of his debt by virtue of the last preceding Section shall be entitled to share in the proceeds of the immoveable estate of the deceased unless he brings such payment into account for the benefit of the other creditors.

Creditor paid in part under Section 283 to bring such payment into account before sharing in proceeds of immoveable property.

Illustration.

A dies, having his domicile in a country where instruments under seal have priority over instruments not under seal, leaving moveable property to the value of 5,000 rupees, and immoveable property to the value of 10,000 rupees, debts on instruments under seal to the amount of 10,000 rupees, and debts on instruments not under seal to the same amount.

The creditors holding instruments under seal receive half of their debts out of the proceeds of the moveable estate. The proceeds of the immoveable estate are to be applied in payment of the debts on instruments not under seal until one-half of such debts has been discharged. This will leave 5,000 rupees, which are to be distributed rateably amongst all the creditors without distinction in proportion to the amount which may remain due to them.

Debts to be paid before legacies.

285. Debts of every description must be paid before any legacy.

Executor or administrator not bound to pay legacies without indemnity.

286. If the estate of the deceased is subject to any contingent liabilities, an executor or administrator is not bound to pay any legacy without a sufficient indemnity to meet the liabilities whenever they may become due.

Abatement of general legacies.

Executor not to pay one legatee in preference to another.

287. If the assets, after payment of debts, necessary expenses and specific legacies, are not sufficient to pay all the general legacies in full, the latter shall abate or be diminished in equal proportions, and the executor has no right to pay one legatee in preference to another, nor to retain any money on account of a legacy to himself or to any person for whom he is a trustee.

Non-abatement of specific legacy when assets sufficient to pay debts.

288. Where there is a specific legacy, and the assets are sufficient for the payment of debts and necessary expenses, the thing specified must be delivered to the legatee without any abatement.

Right under demonstrative legacy, when the assets are sufficient to pay debts and necessary expenses.

289. Where there is a demonstrative legacy and the assets are sufficient for the payment of debts and necessary expenses, the legatee has a preferential claim for payment of his legacy out of the fund from which the legacy is directed to be paid until such fund is exhausted, and if after the fund is exhausted, part of the legacy still remains unpaid, he is entitled to rank for the remainder against the general assets as for a legacy of the amount of such unpaid remainder.

Rateable abatement of specific legacies.

290. If the assets are not sufficient to answer the debts and the specific legacies, an abatement shall be made from the latter rateably in proportion to their respective amounts.

Illustration.

A has bequeathed to B a diamond ring, valued at 500 rupees, and to C a horse, valued at 1,000 rupees. It is found necessary to sell all the effects of the testator, and his assets, after payment of debts, are only 1,000 rupees. Of this sum rupees 333-5-4 are to be paid to B, and rupees 666-10-8 to C.

Legacies treated as general for purpose of abatement.

291. For the purpose of abatement, a legacy for life, a sum appropriated by the Will to produce an annuity, and the value of an annuity when no sum has been appropriated to produce it, shall be treated as general legacies.

PART XXXV.

Of the Executor's Assent to a Legacy.

Executor's assent necessary to complete legatee's title.

292. The assent of the executor is necessary to complete a legatee's title to his legacy.

Illustrations.

(*a*) A by his Will bequeaths to B his Government paper, which is in deposit with the Bank of Bengal. The Bank has no authority to deliver the securities, nor B a right to take possession of them, without the assent of the executor.

(*b*) A by his Will has bequeathed to C his house in Calcutta in the tenancy of D. C is not entitled to receive the rents without the assent of the executor.

Effect of executor's assent to specific legacy.

Assent may be verbal, and either express or implied.

293. The assent of the executor to a specific bequest shall be sufficient to devest his interest as executor therein, and to transfer the subject of the bequest to the legatee, unless the nature or the circumstances of the property require that it shall be transferred in a particular way. This assent may be verbal, and it may be either express or implied from the conduct of the executor.

Illustrations.

(*a*) A horse is bequeathed. The executor requests the legatee to dispose of it, or a third party proposes to purchase the horse from the executor, and he directs him to apply to the legatee. Assent to the legacy is implied.

(*b*) The interest of a fund is directed by the Will to be applied for the maintenance of the legatee during his minority. The executor commences so to apply it. This is an assent to the whole of the bequest.

(*c*) A bequest is made of a fund to A, and after him to B. The executor pays the interest of the fund to A. This is an implied assent to the bequest to B.

(*d*) Executors die after paying all the debts of the testator, but before satisfaction of specific legacies. Assent to the legacies may be presumed.

(*e*) A person to whom a specific article has been bequeathed takes possession of it and retains it without any objection on the part of the executor. His assent may be presumed.

Conditional assent.

294. The assent of an executor to a legacy may be conditional, and if the condition be one which he has a right to enforce, and it is not performed, there is no assent.

Illustrations.

(*a*) A bequeaths to B his lands of Sultánpur, which at the date of the Will, and at the death of A, were subject to a mortgage for 10,000 rupees. The executor assents to the bequest, on condition that B shall within a limited time pay the amount due on the mortgage at the testator's death. The amount is not paid. There is no assent.

(*b*) The executor assents to a bequest on condition that the legatee shall pay him a sum of money. The payment is not made. The assent is nevertheless valid.

Assent of executor to his own legacy.

Implied assent.

295. When the executor is a legatee, his assent to his own legacy is necessary to complete his title to it, in the same way as it is required when the bequest is to another person, and his assent may in like manner be express or implied. Assent shall be implied if in his manner of administering the property he does any act which is referable to his character of legatee and is not referable to his character of executor.

Illustration.

An executor takes the rent of a house or the interest of Government securities bequeathed to him, and applies it to his own use. This is assent.

Assent of executor gives effect to legacy from testator's death.

296. The assent of the executor to a legacy gives effect to it from the death of the testator.

Illustrations.

(*a*) A legatee sells his legacy before it is assented to by the executor. The executor's subsequent assent operates for the benefit of the purchaser, and completes his title to the legacy.

(*b*) A bequeaths 1,000 rupees to B with interest from his death. The executor does not assent to this legacy until the expiration of a year from A's death. B is entitled to interest from the death of A.

Executor not bound to pay or deliver legacies until after one year from testator's death.

297. An executor is not bound to pay or deliver any legacy until the expiration of one year from the testator's death.

Illustration.

A by his will directs his legacies to be paid within six months after his death. The executor is not bound to pay them before the expiration of a year.

PART XXXVI.

Of the Payment and Apportionment of Annuities.

Commencement of annuity when no time fixed by Will.

298. Where an annuity is given by the Will, and no time is fixed for its commencement, it shall commence from the testator's death, and the first payment shall be made at the expiration of a year next after that event.

When payment of annuity to be paid quarterly or monthly first falls due.

299. Where there is a direction that the annuity shall be paid quarterly or monthly, the first payment shall be due at the end of the first quarter or first month, as the case may be, after the testator's death; and shall, if the executor think fit, be paid when due, but the executor shall not be bound to pay it till the end of the year.

Dates of successive payments when first payment of an annuity directed to be made within a given time, or on a day certain.

300. Where there is a direction that the first payment of an annuity shall be made within one month or any other division of time from the death of the testator, or on a day certain, the successive payments are to be made on the anniversary of the earliest day on which the Will authorizes the first payment to be made; and if the annuitant should die in the interval between the times of payment, an apportioned share of the annuity shall be paid to his representative.

Apportionment where annuitant dies between times of payment.

PART XXXVII.

Of the Investment of Funds to provide for Legacies.

Investment of sum bequeathed where a legacy, not specific, is given for life.

301. Where a legacy, not being a specific legacy, is given for life, the sum bequeathed shall at the end of the year be invested in such securities as the High Court may, by any general rule to be made from time to time, authorize or direct, and the proceeds thereof shall be paid to the legatee as the same shall accrue due.

Investment of amount of general legacy to be paid at a future time.

302. Where a general legacy is given to be paid at a future time, the executor shall invest a sum sufficient to meet it in securities of the kind mentioned in the last preceding Section. The intermediate interest shall form part of the residue of the testator's estate.

Intermediate interest.

Procedure when no fund is charged with or appropriated to an annuity.

303. Where an annuity is given and no fund is charged with its payment or appropriated by the Will to answer it, a Government annuity of the specified amount shall be purchased, or, if no such annuity can be obtained, then a sum sufficient to produce the annuity shall be invested for that purpose in such securities as the High Court may, by any general rule to be made from time to time, authorize or direct.

Transfer to residuary legatee of amount of contingent bequest.

304. Where a bequest is contingent, the executor is not bound to invest the amount of the legacy, but may transfer the whole residue of the estate to the residuary legatee on his giving sufficient security for the payment of the legacy if it shall become due.

Investment of residue bequeathed to a person for life, without direction to invest in particular securities.

305. Where the testator has bequeathed the residue of his estate to a person for life without any direction to invest it in any particular securities, so much thereof as is not at the time of the testator's decease invested in such securities as the High Court may for the time being regard as good securities, shall be converted into money and invested in such securities.

Investment of residue bequeathed to a person for life, with direction to invest in specified securities.

306. Where the testator has bequeathed the residue of his estate to a person for life with a direction that it shall be invested in certain specified securities, so much of the estate as is not at the time of his death invested in securities of the specified kind shall be converted into money and invested in such securities.

Time and manner of the conversion and investment.

307 Such conversion and investment as are contemplated by the two last preceding Sections shall be made at such times and in such manner as the executor shall in his discretion think fit; and until such conversion and investment shall be completed, the person who would be for the time being entitled to the income of the fund when so invested shall receive interest at the rate of four per cent. per annum upon the market value (to be computed as of the date of the testator's death) of such part of the fund as shall not yet have been so invested.

Interest payable until investment.

Procedure where minor is entitled to immediate payment or possession of bequest, and there is no direction to pay to any person on his behalf.

308. Where, by the terms of a bequest, the legatee is entitled to the immediate payment or possession of the money or thing bequeathed, but is a minor, and there is no direction in the Will to pay it to any person on his behalf, the executor or administrator shall pay or deliver the same into the Court of the District Judge, by whom the probate was or letters of administration with the Will annexed were granted, to the account of the legatee, unless the legatee be a ward of the Court of Wards; and if the legatee be a ward of the Court of Wards the legacy shall be paid into that Court to his account, and such payment into the Court of the District Judge, or into the Court of Wards, as the case may be, shall be a sufficient discharge for the money

so paid; and such money when paid in shall be invested in the purchase of Government securities, which, with the interest thereon, shall be transferred or paid to the person entitled thereto, or otherwise applied for his benefit, as the Judge or the Court of Wards, as the case may be, may direct.

PART XXXVIII.

Of the Produce and Interest of Legacies.

Legatee of a specific legacy entitled to produce thereof from testator's death.

309. The legatee of a specific legacy is entitled to the clear produce thereof, if any, from the testator's death.

Exception.—A specific bequest, contingent in its terms, does not comprise the produce of the legacy between the death of the testator and the vesting of the legacy. The clear produce of it forms part of the residue of the testator's estate.

Illustrations.

(*a*) A bequeaths his flock of sheep to B. Between the death of A and delivery by his executor the sheep are shorn, or some of the ewes produce lambs. The wool and lambs are the property of B.

(*b*) A bequeaths his Government securities to B, but postpones the delivery of them till the death of C. The interest which falls due between the death of A and the death of C belongs to B, and must, unless he is a minor, be paid to him as it is received.

(*c*) The testator bequeaths all his four per cent. Government promissory notes to A when he shall complete the age of 18. A, if he complete that age, is entitled to receive the notes, but the interest which accrues in respect of them, between the testator's death and A's completing 18, forms part of the residue.

Residuary legatee entitled to produce of residuary fund from testator's death.

310. The legatee under a general residuary bequest is entitled to the produce of the residuary fund from the testator's death.

Exception.—A general residuary bequest contingent in its terms does not comprise the income which may accrue upon the fund bequeathed between the death of the testator and the vesting of the legacy. Such income goes as undisposed of.

Illustrations.

(*a*) The testator bequeaths the residue of his property to A, a minor, to be paid to him when he shall complete the age of 18. The income from the testator's death belongs to A.

(*b*) The testator bequeaths the residue of his property to A when he shall complete the age of 18. A, if he complete that age, is entitled to receive the residue. The income which has accrued in respect of it since the testator's death goes as undisposed of.

Interest when no time is fixed for payment of a general legacy.

311. Where no time has been fixed for the payment of a general legacy, interest begins to run from the expiration of one year from the testator's death.

Exceptions. (1.)—Where the legacy is bequeathed in satisfaction of a debt, interest runs from the death of the testator.

(2.)—Where the testator was a parent or a more remote ancestor of the legatee, or has put himself in the place of a parent of the legatee, the legacy shall bear interest from the death of the testator.

(3.)—Where a sum is bequeathed to a minor with a direction to pay for his maintenance out of it, interest is payable from the death of the testator.

Interest when time has been fixed.

312. Where a time has been fixed for the payment of a general legacy, interest begins to run from the time so fixed. The interest up to such time forms part of the residue of the testator's estate.

Exception.—Where the testator was a parent or a more remote ancestor of the legatee, or has put himself in the place of a parent of the legatee, and the legatee is a minor, the legacy shall bear interest from the death of the testator, unless a specific sum is given by the Will for maintenance.

Rate of interest.

313. The rate of interest shall be four per cent. per annum.

No interest payable on arrears of annuity within first year after testator's death.

314. No interest is payable on the arrears of an annuity within the first year from the death of the testator, although a period earlier than the expiration of that year may have been fixed by the Will for making the first payment of the annuity.

Interest payable on sum to be invested to produce annuity.

315. Where a sum of money is directed to be invested to produce an annuity, interest is payable on it from the death of the testator.

PART XXXIX.

Of the Refunding of Legacies.

Refund of legacy paid under Judge's orders.

316. When an executor has paid a legacy under the order of a Judge, he is entitled to call upon the legatee to refund, in the event of the assets proving insufficient to pay all the legacies.

No refund if legacy paid voluntarily.

317. When an executor has voluntarily paid a legacy, he cannot call upon a legatee to refund, in the event of the assets proving insufficient to pay all the legacies.

Refund when legacy has become due on performance of a condition within further time allowed under Section 124.

318. When the time prescribed by the Will for the performance of a condition has elapsed, without the condition having been performed, and the executor has thereupon, without fraud, distributed the assets; in such case, if further time has been allowed under the one hundred and twenty-fourth Section, for the performance of the condition, and the condition has been performed accordingly, the legacy cannot be claimed from the executor, but those to whom he has paid it are liable to refund the amount.

When each legatee is compellable to refund in proportion.

319. When the executor has paid away the assets in legacies, and he is afterwards obliged to discharge a debt of which he had no previous notice, he is entitled to call upon each legatee to refund in proportion.

Distribution of assets.

320. Where an executor or administrator has given such notices as would have been given by the High Court in an administration suit, for creditors and others to send in to him their claims against the estate of the deceased, he shall, at the expiration of the time therein named for sending in claims, be at liberty to distribute the assets, or any part thereof, in discharge of such lawful claims as he knows of, and shall not be liable for the assets so distributed to any person of whose claim he shall not have had notice at the time of such distribution; but nothing herein contained shall prejudice the right of any creditor or claimant to follow the assets, or any part thereof, in the hands of the persons who may have received the same respectively.

Creditor may follow assets.

Within what period a creditor may call upon a legatee to refund.

321. A creditor who has not received payment of his debt may, within two years after the death of the testator or one year after the legacy has been paid, call upon a legatee who has received payment of his legacy to refund, whether the assets of the testator's estate were or were not sufficient at the time of his death to pay both debts and legacies; and whether the payment of the legacy by the executor was voluntary or not.

When a legatee who has not received payment or who has been compelled to refund under Section 321, cannot oblige one who has received payment in full to refund.

322. If the assets were sufficient to satisfy all the legacies at the time of the testator's death, a legatee who has not received payment of his legacy, or who has been compelled to refund under the last preceding Section, cannot oblige one who has received payment in full to refund, whether the legacy were paid to him with or without suit, although the assets have subsequently become deficient by the wasting of the executor.

When an unsatisfied legatee must first proceed against executor, if solvent.

323. If the assets were not sufficient to satisfy all the legacies at the time of the testator's death, a legatee who has not received payment of his legacy, must, before he can call on a satisfied legatee to refund, first proceed against the executor if he is solvent; but if the executor is insolvent or not liable to pay, the unsatisfied legatee can oblige each satisfied legatee to refund in proportion.

Limit to the refunding of one legatee to another.

324. The refunding of one legatee to another shall not exceed the sum by which the satisfied legacy ought to have been reduced if the estate had been properly administered.

Illustration.

A has bequeathed 240 rupees to B, 480 rupees to C, and 720 rupees to D. The assets are only 1,200 rupees, and if properly administered would give 200 rupees to B, 400 rupees to C, and 600 rupees to D. C and D have been paid their legacies in full, leaving nothing to B. B can oblige C to refund 80 rupees, and D to refund 120 rupees.

Refunding to be without interest.

325. The refunding shall in all cases be without interest.

Residue of the deceased's property after usual payments to be paid to residuary legatee.

326. The surplus or residue of the deceased's property after payment of debts and legacies, shall be paid to the residuary legatee when any has been appointed by the Will.

PART XL.

Of the Liability of an Executor or Administrator for Devastation.

Liability of executor or administrator for devastation.

327. When an executor or administrator misapplies the estate of the deceased, or subjects it to loss or damage, he is liable to make good the loss or damage so occasioned.

Illustrations.

(*a*) The executor pays out of the estate an unfounded claim. He is liable to make good the loss.

(*b*) The deceased had a valuable lease renewable by notice, which the executor neglects to give at the proper time. The executor is liable to make good the loss.

(*c*) The deceased had a lease of less value than the rent payable for it, but terminable on notice at a particular time. The executor neglects to give the notice. He is liable to make good the loss.

For neglect to get in any part of the deceased's property.

328. When an executor or administrator occasions a loss to the estate by neglecting to get in any part of the property of the deceased, he is liable to make good the amount.

Illustrations.

(*a*) The executor absolutely releases a debt due to the deceased from a solvent person, or compounds with a debtor who is able to pay in full. The executor is liable to make good the amount.

(*b*) The executor neglects to sue for a debt till the debtor is able to plead the Act for the limitation of suits, and the debt is thereby lost to the estate. The executor is liable to make good the amount.

PART XLI.

Miscellaneous.

Stamps and fees on instruments mentioned in this Act.

329. For every instrument or writing of any of the kinds specified in the Schedule to this Act, and which shall be made or executed after the commencement of this Act, there shall be payable to Government a Stamp duty or fee of the amount indicated in the said Schedule.

Saving of rights, duties, and privileges of Administrator General.

330. Nothing contained in this Act shall be deemed or taken to supersede or affect the rights, duties, and privileges of the Administrators General and Officiating Administrators General of Bengal, Madras and Bombay respectively, under or by virtue of Act VIII of 1855 (*to amend the law relating to the office and duties of Administrator General*), Act XXVI of 1860 (*to amend Act VIII of* 1855), The Regimental Debts Act, 1863, and the Administrator General's Act, 1865; and it shall be the duty of the Magistrate or other Chief Officer charged with the executive administration of a district or place in criminal matters, whenever any person to whom the provisions of this Act shall apply shall die within the

limits of his jurisdiction, to report the circumstances without delay to the Administrator General of the Province, retaining the property under his charge until letters of administration shall have been obtained by that Officer or by some other person, when the property is to be delivered over to the person obtaining such letters, or who may obtain probate of the Will (if any) of the deceased.

*Succession to property of Hindús, Muhammadans or Buddhists, and certain Wills, intestacies and marriages, not affected by this Act.

331. The provisions of this Act shall not apply to Intestate or Testamentary succession to the property of any Hindú, Muhammadan or Buddhist; nor shall they apply to any Will made, or any intestacy occurring before the first day of January 1866. The fourth Section shall not apply to any marriage contracted before the same day.

*Power of Governor General to exempt any race, sect, or tribe in British India from the operation of this Act.

332. The Governor-General of India in Council shall from time to time have power, by an order, either retrospectively from the passing of this Act, or prospectively, to exempt from the operation of the whole or any part of this Act the members of any race, sect or tribe in British India or any part of such race, sect or tribe, to whom he may consider it impossible or inexpedient to apply the provisions of this Act, or of the part of the Act mentioned in the order. The Governor-General of India in Council shall also have power from time to time to revoke such order, but not so that the revocation shall have any retrospective effect. All orders and revocations made under this Section shall be published in the *Gazette of India.*

SCHEDULE.

STAMPS.

		Stamps.		
Petition for probate or letters of administration where the value of the estate exceeds Rs. 500 ...	Rs.	10	0	0
Ditto where the value of the estate is less than Rs. 500 ...	Rs.	1	0	0
Probate or letters of administration ...	Rs.	8	0	0
Caveat ...	Rs.	4	0	0
Citation ...	Rs.	1	0	0
All petitions other than those above mentioned ...	Rs.	1	0	0
Inventory ...	Rs.	1	0	0
Administration-bond ...	Rs.	8	0	0
FEE.				
Translations by the Court Translator or by order of the Court, per folio of ninety words ...	Rs.	2	0	0

WHITLEY STOKES,
Offg. Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor-General on the 15th March 1865, and is hereby promulgated for general information:—

ACT No. XI OF 1865.

An Act to consolidate and amend the law relating to Courts of Small Causes beyond the local limits of the ordinary original Civil jurisdiction of the High Courts of Judicature.

Preamble.

Whereas it is expedient to consolidate and amend the law relating to Courts of Small Causes beyond the local limits of the ordinary original Civil jurisdiction of the High Courts of Judicature; It is enacted as follows:—

1. In this Act, unless there be something repugnant in the subject or context—

Number. Words importing the singular number include the plural, and words importing the plural number include the singular.

Gender. Words importing the masculine gender include females.

"Judge." "Judge" includes an Acting Judge.

"Section." "Section" means a Section of this Act.

"Court of Small Causes." "Court of Small Causes" means a Court constituted under this Act.

"Local Government." And, in every part of British India in which this Act operates, "Local Government" denotes the person authorized to administer the Executive Government in such part, and "High Court" denotes the highest Civil Court of Appeal having jurisdiction therein.

"High Court."

Repeal of Acts XLII of 1860 and XII of 1861.

2. Act XLII of 1860 *(for the establishment of Courts of Small Causes beyond the local limits of the jurisdiction of the Supreme Courts of Judicature established by Royal Charter)*, and Act XII of 1861 *(to amend Act XLII of 1860)* are hereby repealed: Provided that any Courts of Small Causes now in existence which shall have been constituted under Act No. XLII of 1860, shall be considered as constituted under this Act within the territorial limits of the jurisdiction assigned to such Courts under the said Act XLII of 1860 or which may hereafter be assigned to them under the next following Section, and shall be subject to all the provisions contained herein; and all suits and proceedings pending in any such Courts shall be heard and determined in the same manner as suits and proceedings are required to be heard and determined under this Act; but this Act shall not in any way invalidate or alter the effect of anything which shall have been done in any such suit or proceeding prior to the commencement of this Act.

Constitution of Small Cause Courts.

3. The Local Government may, with the previous sanction of the Governor-General of India in Council, constitute for the trial of suits under this Act, Courts of Small Causes with such establishment of Officers as may be necessary, at any

places within the Territories under such Government. Whenever a Court of Small Causes shall be so constituted, the Local Government shall fix the territorial limits of the jurisdiction of such Court, and may from time to time alter the limits so fixed. The Local Government may abolish any Court of Small Causes.

Limits of their territorial jurisdiction to be fixed by Local Government.

4. Every Court of Small Causes shall use a seal bearing the following inscription in English and in the language of the Court—"Court of Small Causes of ,"—and shall be subject to the general control and orders of the High Court.

Seal of the Court.

Courts to be generally subject to the High Court.

5. Courts of Small Causes shall be held at such place or places within the local limits of their respective jurisdictions, as shall from time to time be appointed by the Local Government.

Places where Courts to be held.

6. The following are the suits which shall be cognizable by Courts of Small Causes, namely, claims for money due on bond or other contract, or for rent, or for personal property, or for the value of such property, or for damages, when the debt, damage, or demand does not exceed in amount or value the sum of five hundred Rupees whether on balance of account or otherwise: Provided that no action shall lie in any such Court

Suits cognizable by Small Cause Courts.

Proviso.

(1). On a balance of partnership account, unless the balance shall have been struck by the parties or their agents:

(2). For a share or part of a share under an intestacy, or for a legacy or part of a legacy under a Will:

(3). For the recovery of damages on account of an alleged personal injury, unless actual pecuniary damage shall have resulted from the injury:

(4). For any claim for the rent of land or other claim for which a suit may now be brought before a Revenue Officer, unless, as regards arrears of rent for which such suit may be brought, the Judge of the Court of Small Causes shall have been expressly invested by the Local Government with jurisdiction over claims to such arrears.

7. The Local Government may extend the jurisdiction of any Court of Small Causes, in suits of the nature described in the last preceding Section and thereby made cognizable by Courts of Small Causes, to an amount not exceeding one thousand Rupees.

Power to extend jurisdiction of Small Cause Courts to Rupees 1,000.

8. Courts of Small Causes may try all such suits as are described in the sixth Section and thereby made cognizable by Courts of Small Causes, if the defendant at the time of the commencement of the suit shall dwell, or personally work for gain or carry on business, within the local limits of the jurisdiction of such Court; or if the cause of action arose within the said local limits, and the defendant, at the time of the commencement of the suit, shall by his servant or agent carry on business or work for gain within those limits.

Jurisdiction of the Courts.

Explanations.—(*a.*) Where a person has a permanent dwelling at one place, and also a lodging at another place for a temporary purpose only, he shall be deemed to dwell at both places in respect of any cause of action arising at the place where he has such temporary lodging.

(*b.*) A Corporation or Company shall be deemed to carry on business at its sole or principal office, or at any place where it has also a subordinate office, in respect of any cause of action arising at such place.

(*c.*) The 'business' contemplated in this Section must be carried on at some fixed place for at least a certain time.

9. Suits against the Local Government or against the Government of India shall be brought in the Court having jurisdiction at the place which is the seat of such Government.

Suits against Government.

10. Suits against the Secretary of State shall be brought in the Court having jurisdiction at the place which is the seat of the Local Government for the Territories in which the cause of action arose.

Suits against the Secretary of State.

11. Service of a summons issued under this Act, on any servant or agent by whom the defendant may carry on business or work for gain, shall be deemed to be good service upon the defendant, provided that such agent or servant himself, at the time of such service, personally carries on the business or work for gain for the defendant, within the local limits of the jurisdiction of the Court in which the suit is brought.

Substituted service of summons.

12. Wherever a Court of Small Causes is constituted under this Act, no suit cognizable by such Court shall be heard or determined in any other Court having jurisdiction within the local limits of the jurisdiction of such Court of Small Causes: Provided that nothing in this Act shall be held to take away the jurisdiction which a Magistrate, or a person exercising the powers of a Magistrate, or an Assistant or Deputy Magistrate, can now exercise in regard to debts or other claims of a Civil nature; or the jurisdiction which can be exercised by Village Moonsiffs, or Village or District Panchâyats, under the provisions of the Madras Code; or by Military Courts of Requests, or by Cantonment Joint Magistrates invested with Civil jurisdiction under Act III of 1859 *(for conferring Civil Jurisdiction in certain cases upon Cantonment Joint Magistrates and for constituting those Officers Registers of Deeds)*; or by a single Officer duly authorized and appointed under the Rules in force in the Presidencies of Madras and Bombay respectively, for the trial of small suits in Military Bazaars, in Cantonments, and Stations occupied by the troops of those Presidencies respectively; or by Panchâyats in regard to suits against Military persons, according to the Rules in force in the Presidency of Madras.

Suits cognizable by a Court of Small Causes, not to be heard by any other Court having jurisdiction within the local limits.

Saving of jurisdiction of Magistrates as to debts.

Of Village Moonsiffs and Village or District Panchâyats in Madras.

Of Military Courts of Requests.

Of Officers appointed to try small suits in Madras and Bombay.

Or of Military Panchayâts in Madras.

Judge of Court.

13. Every Court of Small Causes shall (except as hereinafter provided) be held before a Judge appointed by the Local Government, and who shall receive such salary as the Governor General of India in Council may from time to time determine. Such Judge shall be the Judge either of one such Court or of two or more such Courts as the Local Government shall appoint, but except as hereinafter provided, he shall not exercise any Civil jurisdiction except under the provisions of this Act.

Power to Judge of several Courts to fix times and dates of circuits and sittings.

14. It shall be lawful for any Judge who is the Judge of two or more Courts of Small Causes to fix, subject to the orders of the Local Government, or, in Territories under the immediate administration of the Government of India, of the Chief Commissioner or other principal Civil Authority, the times at which he will go on Circuit, and the dates on which his sittings in the several Courts of which he is Judge shall commence. Notice of such times and dates shall be published in the Official Gazette and at such places and in such manner as the Local Government or Chief Commissioner or other Authority as aforesaid shall think fit to direct in that behalf.

Local Government may invest any person for a limited period with powers of Judge of Court of Small Causes.

15. The Local Government may from time to time invest any person with the powers of a Judge of a Court of Small Causes under this Act for a limited period or for specific periods in each year only, and declare in what Court or Courts of Small Causes such powers shall be exercised by such person. Any person so invested shall, in all Courts in which the Local Government shall have declared that he shall exercise the said powers, have all such powers as might in such Courts be exercised by a Judge of the said Courts appointed under the thirteenth Section.

Powers to be exercised by persons so invested.

Jurisdiction to be exercised by persons so invested in Court in which there is a Judge.

16. If it shall be declared by the Local Government that any person invested under the last preceding Section with the powers of a Judge of a Court of Small Causes, shall exercise those powers in a Court of which there is a Judge appointed under the thirteenth Section, the person so invested shall exercise a jurisdiction concurrent with that of such Judge. The Local Government shall from time to time make Rules to provide for the distribution of business between any person so invested and any Judge in whose Court it may be declared that such person shall exercise his powers, and generally for regulating and defining the duties and relative positions of Judges of Courts of Small Causes and persons so invested as aforesaid: Provided always that no such Rule shall be in any way inconsistent with the provisions of this Act.

Remuneration of Judges and of persons invested with powers of Small Cause Court Judge, and restriction from practising within the limits.

17. Every person invested with the powers of a Judge of a Court of Small Causes under the fifteenth Section shall receive such remuneration as the Governor General in Council shall from time to time determine. It shall not be lawful for any such person to practise as a Barrister, Attorney, Vakeel, Pleader, or Law Agent in any district or place within the territorial limits of which he is empowered to exercise the powers with which he is invested.

Summons.

18. In all suits under this Act, the summons to the defendant shall be for the final disposal of the suit, and no written statement other than the plaint shall be received unless required by the Court.

In suits cognizable by Small Cause Courts, Court may on the judgment-creditor's application direct immediate execution against the judgment-debtor's person or movable property.

19. When a decree is passed in any suit of the nature and amount cognizable under this Act, the Court passing the decree may, at the same time that it passes the decree, on the verbal application of the party in whose favor the decree is given, order immediate execution thereof by the issue of a warrant directed either against the person of the judgment-debtor if he is within the local limits of the jurisdiction of the Court passing the decree, or against the movable property of the judgment-debtor within the same limits. If the warrant be directed against the movable property of the judgment-debtor, it may be general against any personal property of the judgment-debtor wherever it may be found within the local limits of the jurisdiction of the Court, or special against any personal property belonging to the judgment-debtor within the same limits, and which shall be indicated by the judgment-creditor.

Execution against immovable property, if movable property not sufficient.

20. In the execution of a decree under this Act, if, after the sale of the movable property of a judgment-debtor, any portion of a judgment-debt shall remain due, and the holder of the judgment desire to issue execution upon any immovable property belonging to the judgment-debtor, the Court, on the application of the holder of such judgment, shall grant him a copy of the judgment and a certificate of any sum remaining due under it; and on the presentation of such copy and certificate to any Court of Civil Judicature having general jurisdiction in the place in which the immovable property of the judgment-debtor is situate, such Court shall proceed to enforce such judgment according to its own rules and mode of procedure in like cases.

Decision in suits tried under this Act to be final.

21. In suits tried under this Act, all decisions and orders of the Court shall be final: Provided that in any case in which a decree shall be passed *ex parte* against a defendant, he may within thirty days after any process for enforcing the decree has been executed give notice to the Court by which the decree was passed, of his intention to apply to the Court at its next sitting for an order to set it aside: and if, on the application being made to the Court at its next sitting, it shall be proved to the satisfaction of the Court that the summons was not duly served, or that the defendant was prevented by any sufficient cause from appearing when the suit was heard, the Court shall pass an order setting aside the decree and shall appoint a day for proceeding with the suit, upon such terms as to costs or otherwise as shall to the Court seem proper: Provided also that it shall be competent to the Court, if it

Ex parte decree may be set aside.

New trial.

shall think fit, in any case not falling within the proviso last aforesaid, to grant a new trial, if notice of the intention to apply for the same at the next sitting of the Court be given to the Court within the period of seven days from the date of the decision, and if the same be applied for at the next sitting of the Court; but no such new trial shall be granted where the party applying for the same is the defendant or one of the defendants, unless he shall with his notice of application deposit in Court the amount for which a decree shall have been passed against him, including the costs (if any) of the opposite party.

On deposit of debt and costs.

22. If in the trial of any suit under this Act any question of law, or usage having the force of law, or any question as to the construction of a document which construction may affect the merits of the decision, shall arise, the Court, in suits for an amount not exceeding five hundred rupees, may, either of its own motion or on the application of any of the parties to the suit, and in suits for an amount greater than five hundred rupees shall, draw up a statement of the case and refer it, with the Court's own opinion, for the decision of the High Court.

Power to refer questions of law, &c., to High Court.

23. The Court may proceed in the case notwithstanding such reference, and may pass a decree contingent upon the opinion of the High Court on the point referred; but no execution shall be issued in any case in which a reference shall have been made, until the receipt of the order of the High Court.

Power to pass decree contingent upon the opinion of the High Court.

24. The High Court shall fix an early day for the hearing of the case, and shall cause notice of such day to be placed in the Court-house.

High Court to fix day for the hearing.

25. The parties to the case may appear and be heard in the High Court in person or by Pleader.

Parties may appear and be heard in person or by Pleader.

26. The High Court when it has heard and considered the case, shall send a copy of its judgment, under the seal of the Court, to the Court by which the reference was made; and such Court shall, on the receipt of the copy, proceed to dispose of the case conformably to the decision of the High Court.

Decision of High Court to be transmitted.

27. Costs, if any, consequent on the reference of a case for the opinion of the High Court, shall be costs in the suit.

Costs of reference to High Court

28. When a case is referred to the High Court under the twenty-second Section, the High Court may alter, cancel, or set aside any order or decree which the Court stating the case may have made in the suit out of which the reference arose, and may make such order as the justice of the case may require.

Power to High Court to alter or set aside order or decree made in the matter.

29. Whenever more Courts than one are constituted in any District under this Act, the Local Government may appoint one of the same Courts to be the Principal Court of Small Causes in such District.

Power to appoint one of the Courts of a District to be the Principal Court.

30. The Judge of the Principal Court of Small Causes, in any District may sit with the Judge of any other Court of Small Causes in the same District, or with a person invested with the powers of a Judge as aforesaid in such Court, for the trial and determination of any suit cognizable under this Act, and shall so sit for the trial and determination of any such suit which the Judge of such other Court or other person as aforesaid may reserve for trial by himself and the Judge of the Principal Court of Small Causes.

Judge of Principal Court may sit with Judge of any other Court in the District for the trial of reserved suits.

31. The Local Government may from time to time make Rules providing that in such cases as shall be prescribed in such Rules, two Judges or a Judge and a person invested with the powers of a Judge as aforesaid, shall sit together and hear and dispose of suits and applications.

Procedure when two Judges sit together for trial of certain suits.

32. If two Judges, or a Judge and a person invested with the powers of a Judge as aforesaid, sit together and they concur in the decision or order to be passed, such decision or order shall be the decision or order of the Court: but if they shall differ on a point of law, or usage having the force of law, or in construing a document the construction of which may affect the merits of the decision, they shall submit a case for the opinion of the High Court on the point of difference between them, in the manner prescribed in the twenty-second Section of this Act; and the provisions applicable to a reference to the High Court, contained in the twenty-second, twenty-third, twenty-fourth, twenty-fifth and twenty-sixth Sections of this Act shallbe applicable to every reference made under this Section.

Procedure when two Judges differ on a point of law.

33. If two Judges differ on any matter other than the matters above-mentioned, the Judge who is senior in respect of date of appointment as a Judge of a Court of Small Causes shall have the casting voice.

Casting voice in case of difference between two Judges on a question of fact.

34. If a Judge and a person invested with the powers of a Judge as aforesaid differ on any matter other than the matters above mentioned, the Judge shall have the casting voice.

Casting voice in case of difference on a question of fact between a Judge and a person invested with a Judge's powers

35. It shall be lawful for the Local Government to appoint to any Court of Small Causes an Officer who shall be called the Registrar of the Court, and who shall be paid such salary as shall from time to time be authorized in that behalf by the Governor General of India in Council.

Appointment of Registrar.

36. The Registrar of every Court of Small Causes shall be the chief Ministerial Officer of the Court. In addition to any other duties and powers herein imposed or conferred upon the Registrar, he shall, subject to the provisions contained in the next following Section, receive all plaints presented to the Court; issue notice of suit to the defendants; receive any documents which the parties may wish to put in; and issue process for the attendance of their witnesses. He shall likewise keep lists of all causes coming on for trial, and fix such days for their being heard respectively, as may seem to him fit. He may also receive notices under the twenty-first Section.

Duties of Registrar

37. If, when the Judge is absent on duty and there is no person invested with the powers of a Judge as aforesaid, the Registrar shall be of opinion that any plaint presented to the Court is defective in any of the particulars mentioned in Sections twenty-seven to thirty-two both inclusive, of the Code of Civil Procedure, he may reject the same. But it shall be lawful for the Judge or for any person invested with the powers of a Judge as aforesaid to reject any plaint which may have been received by the Registrar, and to receive any plaint which may have been rejected by him: Provided that such reception or rejection (as the case may be) by the Registrar shall, in the opinion of such Judge or other person empowered as aforesaid, have been erroneous, and that an application to set the same aside shall be made at the first subsequent sitting in the said Court of a Judge or other person duly empowered as aforesaid.

Procedure where Registrar thinks plaint defective in certain particulars.

Proviso.

38. If a suit shall have been instituted in a Court of Small Causes, and the defendant shall have been duly summoned to appear and answer therein, and if before the day appointed for the hearing of such suit, the defendant or his agent duly authorized in that behalf shall appear before the Registrar of the Court, and admit the plaintiff's claim and apply for leave to confess judgment, it shall be lawful for the Registrar, if the Judge be absent on duty and there be no person invested with the powers of a Judge as aforesaid, to enter on the record a decree for the plaintiff by confession, and such decree shall have the like force and effect as a decree for the plaintiff would have had if the suit had been heard by the Judge and a decree passed by him for the plaintiff: Provided that in every case, before passing a decree under this Section, it shall be the duty of the Registrar fully to satisfy himself of the service of the summons, of the identity of the parties, and of their good faith in appearing before him.

Registrar may receive and enter up judgments by confession.

Proviso.

39. The Registrar, if the Judge be absent on duty and there be no person invested with the powers of a Judge as aforesaid, shall also receive applications for the execution of decrees passed by the Judge, or other person empowered as aforesaid, of the Court of which he is the Registrar, and, subject to any orders which he may receive from the Judge or such other person, shall execute such decrees in the same manner as the Judge might execute them. No appeal shall lie from any order passed by the Registrar under this Section; but the Judge or other person empowered as aforesaid may, within three calendar months from the making of the order, of his own motion reverse or modify it.

Execution of decrees by Registrar.

40 The local Government may invest any Registrar with the powers of a Judge of a Court of Small Causes in suits arising within the local limits of the jurisdiction of the Court of which he is the Registrar, provided that the amount or value of the claim shall not exceed twenty Rupees. The Registrar shall exercise such powers subject to the general control of the Judge, or, when there is no Judge, of any person invested with the powers of a Judge as aforesaid.

Power to invest Registrar with jurisdiction of Small Cause Court Judge in certain cases

41. The suits cognizable by the Registrar under the last preceding Section shall be set down for hearing before such Registrar, and he shall hear and determine such suits and execute the decrees made therein, in such manner in all respects as the Judge of the Court might hear, determine and execute the same respectively: Provided that the Judge, or, when there is no Judge, the person invested with the powers of a Judge, whenever he thinks proper, may transfer to his own file any suit on the file of the Registrar, and may hear and determine the same.

Hearing of suits cognizable by Registrar.

Transfer from Registrar's to Judge's file.

42. No appeal shall lie from any order or decision made or passed by the Registrar, in any case heard or disposed of by him; but in any case in which the Registrar shall entertain any doubt upon any question of law, or usage having the force of law, or as to the construction of a document which construction may affect the merits of the decision, he shall be at liberty to state a case for the opinion of the Judge, or, when there is no Judge, of the person invested with the powers of a Judge as aforesaid, in like manner as the Judge may, under the twenty-second Section of this Act, state a case for the opinion of the High Court; and all the provisions herein contained, relative to the stating of a case by the Judge, shall apply, *mutatis mutandis*, to the stating of a case by the Registrar.

No appeal from decision of Registrar under last Section; but in cases of doubt, he may submit statement for opinion of Judge.

Provisions applicable to such reference.

43. A decree passed by a Registrar under the thirty-eighth Section may be set aside by the Judge of the Court, or, when there is no Judge, by the person invested with the powers of a Judge as aforesaid, in such manner and on such grounds only as it might be set aside if it were a decree passed at the hearing of the cause by the Judge or other person empowered as aforesaid.

Setting aside decree by a Registrar under Section 38.

44. An Officer to be styled the Clerk of the Court may be appointed to any Court of Small Causes on such salary as shall be authorized by the Governor General of India in Council. The appointment and removal of such Officer shall rest with the Court, subject to the approval of the Local Government, or, in Territories under the immediate administration of the Government of India, of the Chief Commissioner or other principal Civil Authority. The Registrar

Appointment and removal of Clerk of the Court.

of any Court of Small Causes may also be the Clerk of the Court

Duties of Clerk

45. When a Clerk is appointed to any Court of Small Causes, such Clerk shall, subject to the orders of the Court and of the Registrar if there be a Registrar, issue all Summonses, Warrants, Orders, and Writs of Execution, and keep an account of all proceedings of the Court, and shall take charge of and keep an account of all monies payable or paid into or out of Court, and shall enter an account of all such monies in a book belonging to the Court to be kept by such Clerk for that purpose.

High Court empowered to make rules of practice, &c.

46. The High Court shall have power to make and issue general rules for regulating the practice and proceedings of Courts of Small Causes, and also to prescribe forms for every proceeding in the said Courts for which it shall think that forms should be provided, and for keeping all books, entries and accounts to be kept by the Officers, and from time to time to alter any such rule or form; provided that such rules and forms be not inconsistent with the provisions of this Act or of any other law for the time being in force.

Provisions of Section 26 of Act X of 1862, and of Act VIII of 1859 made applicable to cases cognizable under this Act.

47. The twenty-sixth Section of Act X of 1862 (*to consolidate and amend the Law relating to Stamp Duties*), and, except as hereinbefore provided, the provisions of the Code of Civil Procedure shall, so far as the same are or may be applicable, extend to all suits and proceedings under this Act.

Saving of Act XI of 1841, Section 17.

48. Nothing in the second Section of the said Act No. III of 1859, or the sixth, seventh and eighth Sections of Act No. XXII of 1864 (*to make provision for the Administration of Military Cantonments*), relating to the establishment of Courts of Small Causes in Military Cantonments, shall be held to affect so much of Act No. XI of 1841 (*for consolidating and amending the Regulations concerning Military Courts of Requests for Native Officers and soldiers in the service of the East India Company*) as declares that in places beyond the frontier of the Territories of the East India Company, actions of debt and other personal actions may be brought before the Military Courts therein mentioned, against persons so amenable as therein mentioned, for any amount of demand.

Saving of jurisdiction of Courts of Requests

49. Nothing in this Act, nor in the sixth, seventh and eighth Sections of the said Act XXII of 1864, shall be held to affect the jurisdiction of any Court of Requests convened under the hundred and third Section of the Statute 27 Vic., cap. 3, or the corresponding Section in any other Statute for the time being in force, for punishing mutiny and desertion, and for the better payment of the Army and their quarters, or the powers of a Commanding Officer, under any such Statute to assemble such Courts.

Reference in previous Acts to Act XLII of 1860 to be read as applying to this Act.

50. When in any Act passed prior to the coming into operation of this Act reference is made to Act XLII of 1860, such reference shall be read as applying to this Act, and when any procedure is directed to be in accordance with the provisions of Act XLII of 1860, such procedure shall be deemed to be directed to be in accordance with the provisions of this Act.

Power to give a Small Cause Court Judge the powers of a Principal Sudder Ameen or a Magistrate.

51. Whenever the state of business in any Court of Small Causes, the Judge of which shall be the Judge of such Court only, is not sufficient to occupy his time fully, the Local Government may invest him within such limits as it shall from time to time appoint, in addition to his powers as such Judge, with the powers of a Magistrate as defined in the Code of Criminal Procedure, or, in the Regulation Provinces, with the powers of a Principal Sudder Ameen, or, in the Non-Regulation Provinces, with the powers of an Officer exercising the like or nearly the like powers as those of a Principal Sudder Ameen.

Power to give Small Cause Court Judge jurisdiction to hear claims under Act X of 1859.

2. In the places in which the provisions of Act X of 1859 (*to amend the Law relating to the recovery of Rent in the Presidency of Fort William in Bengal*), are in force, the Local Government may empower any Judge of a Court of Small Causes to hear and determine, under the rules contained in the said Act X of 1859 applicable to trials before a Collector, and subject to the same regular and special appeal, the claims cognizable under such Act arising within the local limits of the jurisdiction of such Court. Any Judge so empowered shall exercise all the powers of a Collector under the said Act X of 1859 except the power of hearing appeals.

Small Cause Courts to furnish records, &c., called for by Local Government or High Court.

53. Courts of Small Causes shall comply with such requisitions as may from time to time be made by the Local Government or the High Court for records, returns and statements in such form and manner as such Government or Court may deem proper.

WHITLEY STOKES,
Offg. Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 15th March 1865, and is hereby promulgated for general information :—

Act No. XII of 1865.

An Act to amend the Law relating to the custody of prisoners within the local limits of the original jurisdiction of Her Majesty's High Court of Judicature at Fort William in Bengal.

Preamble.

Whereas it is expedient that, within the local limits of the original jurisdiction of Her Majesty's High Court of Judicature at Fort William in Bengal, persons should, for the purpose of being received and detained in prison, be committed to the custody of an Officer appointed by the Government of Bengal, instead of to the custody of the Sheriff of Calcutta; It is enacted as follows :—

1. In this Act :—

"High Court." "High Court" denotes Her Majesty's High Court of Judicature at Fort William in Bengal.

"Magistrate." "Magistrate" includes a Magistrate of Police appointed under Act XIII of 1856 (*for regulating the Police of the Towns of Calcutta, Madras and Bombay, and the several Stations of the Settlement of Prince of Wales' Island, Singapore and Malacca*).

Enactments repealed.

2. The forty-seventh, forty-eighth, forty-ninth, fiftieth, fifty-first and fifty-second Sections of Act XVIII of 1862 (*to repeal Act XVI of 1852 in those parts of British India in which the Indian Penal Code is in force, and to re-enact some of the provisions thereof, with amendments, and further to improve the administration of Criminal Justice in Her Majesty's Supreme Courts of Judicature*), and Act XXV of 1863 (*to empower Judges of the High Court and other authorities at Fort William in Bengal, to direct convicts to be imprisoned either in the House of Correction or the Great Jail of Calcutta, and to authorize the transfer of prisoners in certain cases from the House of Correction to the Great Jail and from the Great Jail to the House of Correction*) are hereby repealed.

After commencement of Act no one to be committed to Sheriff; And writs not to be issued to Sheriff.

3. After the commencement of this Act, no person shall be committed to the Sheriff of Calcutta to be received and detained in prison; and no writ shall be awarded to the said Sheriff commanding him to arrest and seize the body of any offender.

Government of Bengal may appoint Superintendent of Presidency Jail.

4. It shall be lawful for the Government of Bengal to appoint an Officer who shall be called the Superintendent of the Presidency Jail, and who shall have authority to receive and keep prisoners committed to his custody under the provisions of this Act.

Persons sentenced by High Court to imprisonment or death to be delivered to the Superintendent of the Presidency Jail.

5. Whenever any person shall be sentenced by the High Court in the exercise of its original Criminal jurisdiction to imprisonment or to death, the Court shall cause such person to be delivered to the Superintendent of the Presidency Jail, together with the warrant of the said Court, and such warrant shall be executed by the said Superintendent and returned by him to the High Court when executed.

Persons sentenced by High Court to transportation or penal servitude to be delivered for intermediate custody to Superintendent.

6. Whenever any person shall be sentenced by the High Court in the exercise of its original Criminal jurisdiction to transportation or penal servitude, the Court shall cause such person to be delivered for intermediate custody to the said Superintendent, and the imprisonment of such person shall have effect from such delivery.

Persons sentenced by Magistrate to imprisonment or imprisoned for non-payment of fine to be delivered to Superintendent with a warrant.

7. Whenever any person shall be sentenced by a Magistrate of Police for the Town of Calcutta to imprisonment and whenever any person shall be imprisoned for default of payment of any fine imposed by any such Magistrate, the Magistrate shall cause such person to be delivered to the said Superintendent together with a warrant of the Court.

Superintendent to detain such persons according to exigency of warrant, and to return same when executed.

8. The said Superintendent shall detain the person so delivered to him according to the exigency of such warrant, and shall return such warrant when executed to the Court whence it issued.

Persons committed by Justice for trial by High Court to be delivered to Superintendent with warrant.

9. Persons committed by a Justice of the Peace or Magistrate for trial by the High Court in the exercise of its original Criminal jurisdiction, shall be delivered to the said Superintendent together with a warrant of commitment, directing him to have the bodies of such persons before the Court for trial at the Sessions of the Court next ensuing after the date of such commitment.

Persons arrested in pursuance of warrant of High Court or Small Cause Court to be delivered to Superintendent.

10. Every person arrested in pursuance of a warrant or order of the High Court in the exercise of its original Civil jurisdiction, or in pursuance of a warrant of any Court established in Calcutta under Act IX of 1850 (*for the more easy recovery of small debts and demands in Calcutta, Madras and Bombay*), shall be delivered by the proper Officer of the Court executing such warrant, together with a copy of such warrant, to the said Superintendent; and the Officer executing such warrant shall thenceforward be absolved from responsibility for the custody of the person so delivered.

11. The said Superintendent shall detain the person delivered to him by the Officer of the Court in manner aforesaid, according to the exigency of the warrant, and return the same to the said Officer of the Court as soon as the terms of the said warrant shall have been complied with.

Superintendent to detain such persons according to exigency of warrant.

12. From and after the commencement of this Act, all persons confined in the Great Jail of Calcutta, under process or sentence of Her Majesty's Supreme Court of Judicature at Fort William in Bengal, or of the High Court, or of any Police Magistrate, shall be considered to be and shall remain in the custody of the said Superintendent according to the terms of the warrants under which they shall have been respectively committed to custody.

Persons confined in House of Correction or Great Jail of Calcutta shall be deemed to be in custody of Superintendent.

13. Any warrant of commitment under Regulation III, 1818, of the Bengal Code (*for the confinement of State Prisoners*), may be directed to the said Superintendent in the same manner as the same might have been directed to the Sheriff, under Act XXXIV of 1850 (*for the better custody of State Prisoners*) and Act III of 1858 (*to amend the Law relating to the arrest and detention of State Prisoners*).

Warrant under Regulation III, 1818, Bengal Code, may be directed to Superintendent.

14. The provisions contained in the Statute 11 Vict., cap. 21 (*to consolidate and amend the laws relating to Insolvent Debtors in India*), relating to persons in prison or liable to be arrested or detained in or remanded or recommitted to, or entitled to be discharged from, prison within the limits of the town of Calcutta, shall apply to all persons in the custody of the said Superintendent or liable to be delivered to or entitled to be discharged from his custody.

Provisions of Statute 11 Vict., cap. 21 as to prisoners, to extend to persons in custody of Superintendent.

15. This Act shall come into operation on the first day of April 1865.

Commencement of Act.

16. The provisions of this Act may be extended to the local jurisdictions of Her Majesty's High Courts of Judicature at Madras and Bombay respectively by notification in the *Gazette of India*: such provisions when so extended shall, *mutatis mutandis*, relate to the custody of prisoners in such jurisdictions; and Regulation II of 1819 of the Madras Code (*for the confinement of State Prisoners*) and Regulation XXV of 1827 of the Bombay Code (*for the confinement of State Prisoners and for the attachment of the lands of Chieftains and others, for reasons of State*), shall respectively be read for the said Regulation III of 1818 of the Bengal Code, and so much of the Regulations or Acts for the time being in force in such jurisdictions respectively as is in any way inconsistent with or repugnant to any of the provisions of this Act shall thenceforward cease to have effect in such jurisdictions.

Act may be extended to Madras and Bombay.

WHITLEY STOKES,
Offg. Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 21st March 1865, and is hereby promulgated for general information:—

ACT NO. XIII OF 1865.

An Act to amend the procedure of Her Majesty's High Courts of Judicature in the exercise of their original Criminal jurisdiction, and to provide for the exercise of such jurisdiction at places other than the Presidency Towns.

Preamble.

Whereas it is expedient to amend the procedure of the High Courts of Judicature at Fort William in Bengal, at Madras, and at Bombay, in the exercise of their original Criminal jurisdiction, and also to provide for the exercise by such Courts of original Criminal jurisdiction under the Commission of the Governor General of India in Council, or of either of the Governors in Council of Madras and Bombay, in places other than the Presidency Towns, or at several such places by way of circuit; It is enacted as follows:—

Preliminary.

Short Title.

1. This Act may be cited as "The High Courts' Criminal Procedure Amendment Act, 1865."

Interpretation Clause.

2. In this Act, unless there be something repugnant in the subject or context—

"High Court." "High Court" denotes Her Majesty's High Courts of Judicature at Fort William in Bengal, at Madras and at Bombay, respectively.

"Chief Justice," "Judge," &c. "Chief Justice," "Judge," "Registrar," and other words denoting any particular Officer, respectively include any person for the time being authorized to act as such Chief Justice, Judge, Registrar, or other Officer.

"Magistrate." "Magistrate" denotes any person exercising any of the powers of a Magistrate under the Code of Criminal Procedure, and includes Police Magistrates in any Presidency Town.

"Clerk of the Crown." "Clerk of the Crown" includes, besides such Officer, a Crown Prosecutor and any Officer specially appointed by the Governor General of India in Council or the Governor in Council of Madras or Bombay to discharge the functions given by this Act to the Clerk of the Crown, in respect of any sittings of a Judge or Judges of the

High Court in a place other than the usual place of sitting, or in respect of any sittings of a Barrister under the forty-fourth Section of this Act.

"British India."

"British India" denotes the territories which are or may become vested in Her Majesty or her successors under the Statute 21 and 22 Vic., cap. 106, except the Settlement of Prince of Wales' Island, Singapore, and Malacca.

Gender and Number.

Words importing the masculine gender include females: words in the singular number include the plural, and words in the plural number include the singular.

Of Charges where the accused is committed in a Presidency Town.

Charge to be delivered to Clerk of the Crown with commitment within the local limits of the ordinary original Civil jurisdiction.

3. Any Justice of the Peace or Magistrate who shall commit to custody or hold to bail any person for trial before the High Court for an offence committed, or which, according to law, may be dealt with as if it had been committed, within the local limits of its ordinary original Civil jurisdiction, shall, together with all examinations, informations, bailments, and recognizances now required to be delivered to such Court before the trial, deliver to the Clerk of the Crown a written instrument of charge signed by him stating for what offence such person is so committed or held to bail.

Clerk of the Crown to consider, and, if he will, to amend, alter, or add to the charge.

Charge with amendments, alterations or additions (if any) to be recorded.

4. The Clerk of the Crown shall peruse and consider the charge, and may, if he consider it necessary or expedient so to do, amend, alter, or add to the same. The charge, with such amendments, alterations, or additions, if any, shall be recorded in the High Court, and the person charged shall be entitled to have a copy of such charge with such amendments, alterations, or additions (if any) gratis.

Accused to have copies of examinations.

5. The person charged shall also be entitled to copies of the examinations of the witnesses upon whose depositions he has been so committed or held to bail, on payment of a reasonable sum for the same, not exceeding one anna for each folio of ninety words.

Effect of charge.

6. Upon charges recorded as aforesaid, persons committed to custody or held to bail shall be deemed to have been brought before the High Court in due course of law, and (subject to the provisions contained in the eighth Section of this Act) shall be arraigned at suit of the Crown, and the verdict shall be recorded thereupon.

Provisions of Act XVIII of 1862 as to indictments to apply to charges preferred under this Act.

7. In Act XVIII of 1862 *(to repeal Act XVI of 1852 in those parts of British India in which the Indian Penal Code is in force, and to re-enact some of the provisions thereof with amendments, and further to improve the administration of Criminal Justice in Her Majesty's Supreme Courts of Judicature)*, the word "indictment" shall be understood to include the word "charge," and all the provisions of the said Act shall apply to charges recorded as aforesaid and the trial of such charges.

Nolle prosequi on unsustainable charge.

8. When any such charge shall have been recorded in the High Court as aforesaid, and shall at any time before the person charged is arraigned, appear to the Judge of the High Court who would in ordinary course try the same, to be clearly unsustainable, an entry to that effect may be made on the charge by such Judge. Such entry may be made without the fiat of the Advocate General, and shall have the effect of a *nolle prosequi* upon the charge, but shall not operate as an acquittal of the person charged unless and until three years from the time of making the entry shall have elapsed, at the expiration of which period, if no fresh charge have been brought on the same matter, he shall be considered as having been acquitted.

Of Grand Juries.

After commencement of this Act, Grand Jury not to be summoned.

9. From and after the date on which this Act shall come into operation, no warrant or precept shall be issued to the Sheriff or other Officer directing him to summon any persons to attend and serve as Grand Jurors. All persons who, but for this Act, would have been exempt from serving on Common Juries, shall be liable, except as hereinafter provided, to serve on such Juries.

No one to be charged on the presentment or inquisition of Grand Jurors, unless they have been summoned before the commencement of this Act.

10. No person shall be brought before the High Court on the presentment or inquisition of Grand Jurors, unless such presentment or inquisition shall have been made by Grand Jurors who shall have been duly summoned before this Act comes into force: Provided that if any precept for summoning a Grand Jury shall have been issued for the then next coming Sessions of the High Court, such Grand Jury shall proceed at such Sessions as if this Act had not passed.

Of Juries in Presidency Towns.

Certain trials to be held before Special Jurors.

11. Every person tried in a Presidency Town upon a charge of having committed an offence which is punishable with death, or upon any other charge if a Judge of the High Court shall so order, shall be tried before a Special Jury.

The Jurors' Book for the current year, to be taken as giving the first list of Jurors and Special Jurors.

12. The Jurors' Book for the year current when this Act comes into force, shall be taken as containing a correct general list of persons qualified and liable to serve as Jurors under this Act: and those persons whose names are entered in the said Jurors' Book as being privileged to serve on Grand or Special Juries only, shall be deemed to be persons

privileged and liable to serve only as Special Jurors under this Act: and a list of such last mentioned persons, to be called the "Special Jurors' List," shall forthwith, and subject to such rules as shall be prescribed by the High Court, be prepared by the Clerk of the Crown or such other Officer as the Chief Justice of the High Court shall direct.

The number of Special Jurors in the first list to be allowed to die down to two hundred.

13 The number of persons included in the "Special Jurors' List" prepared as in the last preceding Section is provided, shall be permitted gradually from year to year to diminish until the whole number of names remaining on such list shall not exceed two hundred: and no new name shall be added to such list until the number shall have been so diminished by the death or change of residence of the persons originally included in the list, or by other loss of such qualification as gave them the privilege of serving only as Grand or Special Jurors. After the number shall once have been reduced as aforesaid, the names of not more than two hundred persons shall ever at any one time be entered in the Special Jurors' List.

After which the number of Special Jurors not to exceed two hundred.

Special Jurors exempted from serving on Common Juries.

14. All persons whose names are entered in the "Special Jurors' List," shall be exempted from serving on any other than Special Juries.

Preparation of lists of Jurors and Special Jurors

15. The Clerk of the Crown or such other Officer as the Chief Justice of the High Court shall direct, shall, before the first day of April in each year, and subject in all respects to such rules as the High Court shall from time to time prescribe, prepare a list of all persons qualified and liable to serve as Jurors: and shall, before the fifteenth day of April which shall first occur after the reduction of the number of names in the "Special Jurors' List" as aforesaid, and before every subsequent fifteenth day of April, but subject always to such rules as aforesaid, take from the general list of Jurors the names of such persons as he may think fit, regard being had to their property, character, and education, and shall enter the same in the "Special Jurors' List."

Officer preparing the lists to have full discretion: no appeal from his decision.

16. The Clerk of the Crown or other Officer appointed by the Chief Justice shall, subject to such rules as aforesaid, have full and entire discretion to prepare the said lists as shall seem to him to be proper, and there shall be no appeal from or review of his decision.

Lists of Jurors to be published in the Gazette.

17. The list of persons qualified or liable to serve as Jurors, and the "Special Jurors' List," respectively, signed by the Officer by whom the same shall have been prepared, shall be published once in the Official Gazette, before the first day of May next after their preparation, and copies of the said lists shall be affixed to some conspicuous part of the Court House.

Jurors and Special Jurors to be summoned for each Sessions.

18 Out of the names contained in the lists aforesaid, there shall be summoned for each Sessions thirty-six of those who are qualified and liable to serve on Special Juries, and seventy-two of those who are qualified and liable to serve on Common Juries.

Of Challenges of Jurors in the Presidency Towns.

Challenges.

19. A peremptory challenge to the number of twenty in Common Juries and ten in Special Juries, shall be allowed; but there shall be no challenge to the array, and save as aforesaid the following and no others shall be good causes of challenge, whether on behalf of the Crown or by the person charged:—

(1.) Some personal objection, such as alienage, infancy, old age, or deficiency in the qualification required by any law or rule having the force of law for the time being in force.

(2.) Some presumed or actual partiality in the Juror.

(3.) A previous conviction of the Juror under the Indian Penal Code, or the criminal law administered in the Supreme Courts of Judicature or the Courts of the East India Company previously to the enactment of such Code.

Judge to try challenge

20. The Judge before whom the person charged is about to be tried shall try any challenge, other than a peremptory challenge, and if he allow the challenge, the Juror shall be set aside.

High Court to retain its present jurisdiction as to Jurors in Presidency Towns, except as altered by this Act.

21. Save as hereinbefore provided, the High Court shall retain all its present powers respecting the summoning, empanelling, qualification, challenging, and service of Jurors in the Presidency Towns: and shall have power to make such rules on those subjects (not inconsistent with the provisions of this Act) as shall seem to it to be proper. All rules relating thereto now in force in the High Court shall (so far as they are not inconsistent with this Act) remain in full force until repealed or altered by new rules made under this Section.

Of Sittings under a Commission.

Jurisdiction of Judge acting under Commission from Governor General of India in Council.

22. From and after the commencement of this Act, whenever it shall appear to the Governor General of India in Council convenient that the jurisdiction and power vested in the High Court at Fort William in Bengal should be exercised in any place within the jurisdiction of any Court now subject to the superintendence of the said High Court, whether within or without the Bengal Division of the Presidency of Fort William, other than the usual place of sitting of such Court, or at several such places by way of circuit, and the Governor General of India in Council shall, by his Commission for that purpose,

authorize and direct any of the Judges of such Court to hold sittings at such place or places accordingly, at or within such times as by such Commission may be authorized or directed, the Judge or Judges acting under such Commission in the places and manner therein directed, shall have and exercise the same jurisdiction, power, and authority as would be had and exercised by a Judge or Judges of the High Court of Judicature at Fort William in Bengal in its ordinary place of sitting, but subject, as respects the exercise of original Criminal jurisdiction in any place other than the ordinary place of sitting of such High Court, to the provisions contained in the twenty-eighth and following Sections of this Act.

Jurisdiction of Judge acting under Commission of Governor in Council of Madras.

23. From and after the commencement of this Act, whenever it shall appear to the Governor in Council of Madras convenient that the jurisdiction and power vested in the High Court of Judicature at Madras should be exercised in any place within the jurisdiction of any Court now subject to the superintendence of the same High Court, whether within or without the Presidency of Madras, other than the usual place of sitting of such Court, or at several such places by way of circuit, and such Governor in Council shall by his Commission for that purpose authorize and direct any of the Judges of such Court to hold sittings in such place or places accordingly at or within such times as by such Commission may be authorized or directed, the Judge or Judges acting under such Commission in the places and manner therein directed shall have and exercise the same jurisdiction, power, and authority as would be had and exercised by a Judge or Judges of the High Court at Madras, in its ordinary place of sitting, but subject, as respects the exercise of original criminal jurisdiction in any place other than the ordinary place of sitting of the same Court, to the provisions contained in the twenty-eighth and following Sections of this Act.

Jurisdiction of Judge acting under Commission of Governor in Council of Bombay.

24. From and after the commencement of this Act, whenever it shall appear to the Governor in Council of Bombay convenient that the jurisdiction and power vested in the High Court of Judicature at Bombay should be exercised in any place within the jurisdiction of any Court now subject to the superintendence of the same Court, whether within or without the Presidency of Bombay, other than the usual place of sitting of such Court, or at several such places by way of circuit, and such Governor in Council shall by his Commission for that purpose authorize and direct any of the Judges of such Court to hold sittings in such place or places accordingly at or within such times as by such Commission may be authorized or directed, the Judge or Judges acting under such Commission in the places and manner therein directed shall have and exercise the same jurisdiction, power, and authority as would be had and exercised by a Judge or Judges of the High Court at Bombay in its ordinary place of sitting, but subject, as respects the exercise of original Criminal jurisdiction in any place other than the ordinary place of sitting of the same Court, to the provisions contained in the twenty-eighth and following Sections of this Act.

High Court may allot jurisdiction to Judge acting under Commission.

25. The High Court may allot to a Judge or Judges acting under a Commission as aforesaid, such part of the extraordinary original Civil jurisdiction, and of the Civil and Criminal Appellate jurisdiction, and of the jurisdiction as a Court of revision or reference, which it is competent to exercise at its usual place of sitting, as the High Court may consider can be more conveniently exercised at any place or places mentioned in such Commission.

Commission to specify time and place during and in which it shall travel.

26. Every Commission issued as aforesaid under any of the preceding Sections shall specify the time during which and the districts or places within which such Commission shall remain in force; and such time and the limits of such districts or places shall be notified in the Official Gazette.

Power to appoint an Associate Judge.

27. The Governor General of India in Council or the Governor of Madras or of Bombay in Council, as the case may be, may by such Commission as aforesaid associate with such Judge of the High Court any Barrister-at-law of not less than five years' standing, or any Sessions Judge. The person so associated shall be called the Associate Judge, and, unless directed to try persons separately as hereinafter provided, may sit with the Judge of the High Court during the trials of persons tried under such Commission. Whenever any Associate Judge sits with the Judge of the High Court, the latter shall preside, conduct the case, and pronounce judgment.

Charge to be delivered with record of preliminary inquiry without the local limits of the original criminal jurisdiction.

28. Any Justice of the Peace or Magistrate without the local limits of the ordinary original Civil jurisdiction of the High Court, before whom any European British subject shall be brought for an offence committed without those limits shall, immediately after the conclusion of the preliminary enquiry, and if he shall determine to commit or hold to bail such person for trial, give notice thereof to the High Court to which the commitment or bailment would ordinarily be made, and shall send to the Clerk of the Crown, together with the record of the preliminary enquiry, and translations into English of any writings not in that language, a written instrument of charge signed by him stating for what offence such person is committed or held to bail. On receipt of these documents, the Clerk of the Crown shall proceed as directed in the like case in the fourth Section, and the person charged shall be entitled to copies in like manner as he would be entitled to copies under the fifth Section, of this Act. If a Commission under which the person charged might be tried shall have been issued, the High Court shall consider at what place the person charged can be most conveniently tried, and shall give directions accordingly: if no such Commission shall have been issued, the High Court shall obtain information from the Government as to whether such Commission is about to issue, and shall then give such directions as last aforesaid. Provided always that, if the commitment or bailment have been made after the issue and during the running of a Commission under which the person charged might be tried, the notice by this Section directed to be given to the Clerk of the Crown shall be given,

and the documents directed to be sent to the Clerk of the Crown shall be sent to the Clerk of the Crown with the Judge of the High Court acting under the Commission. Such Judge shall have all the powers given to the High Court by this and the next succeeding Section.

The charge shall be deemed a charge under the Criminal Procedure Code.

29. The charge, whether it shall or shall not have been amended, altered, or added to under the last preceding Section, shall, if the person charged be directed to be tried at a place other than the usual place of sitting of the Court, have the same effect as a charge under the thirteenth Chapter of the Code of Criminal Procedure, and the person charged shall be tried thereon before a Judge of the High Court, whether sitting by himself or with an Associate Judge. But if, at any time before the High Court shall have directed where the trial of the person charged shall take place, the charge appear to the High Court to be clearly unsustainable, an entry to that effect may be made by the proper Officer of the Court at any time before the commencement of the trial. Such entry shall have the effect of staying proceedings on the charge, but shall not operate as an acquittal of the person charged, unless and until three years from the time of making the entry shall have elapsed, at the expiration of which period, if no fresh charge have been brought on the same matter, he shall be considered as having been acquitted. If the person charged be directed to be tried at the usual place of sitting of the Court, the charge whether amended, altered, or added to as last aforesaid or not shall have the same effect as, and be deemed to be, a charge under the sixth, seventh, and eighth Sections of this Act.

If unsustainable, the proceedings may be stayed.

Procedure pending directions of High Court.

30. Pending the directions of the High Court as to the place of trial, every such British subject as is referred to in the twenty-eighth Section of this Act shall (if not out on bail) be committed by the Justice of the Peace or Magistrate for intermediate custody to the nearest Criminal Jail in which he can be most conveniently confined. If the trial shall be directed to take place in the usual place of sitting of the Court, the Justice of the Peace or Magistrate shall bind over the person charged to appear and take his trial at such usual place of sitting, or shall commit him to the Jail at such place. If the High Court shall direct that the person charged be tried elsewhere than in its usual place of sitting, the Justice of the Peace or Magistrate shall bind him over to appear and take his trial in the place directed, or (as the case may be) shall, if necessary, cause him to be removed to the Criminal Jail of or nearest to the place at which such person is directed to be tried; and the Officer in charge of such Criminal Jail shall keep such person in safe custody until discharged in due course of law.

High Court may order European British subjects committed in certain Districts in certain seasons of the year to be tried at a particular place and confined in a particular jail.

31. It shall be lawful for the High Court to direct that all European British subjects committed or bailed for trial within certain specified Districts or during certain specified periods of the year, shall be tried at the usual place of sitting of the Court or to direct that they shall be tried at a particular place named; and also to order that such European British subjects shall, if not bailed, be committed for intermediate custody to a particular Jail, being one of the Jails appointed by the Government for the reception of such prisoners. In any such case the High Court may direct further that the notice required by the twenty-eighth Section of this Act to be given and the papers required by that Section to be sent to the Clerk of the Crown, shall be given and sent to a particular Clerk of the Crown named by the High Court in that behalf. Every person bailed or committed to take his trial at any particular place in compliance with a general direction under the provisions of this Section, shall be dealt with in all respects as if he had been bailed or committed in compliance with a special direction under the twenty-eighth Section of this Act.

Jurisdiction over European British subjects tried under Commission.

32. When the High Court shall have directed that any European British subject shall be tried at any place other than its usual place of sitting, the Judge of the High Court acting under such Commission as aforesaid in the place and manner therein mentioned, shall, whether sitting by himself or with the Associate Judge, have and exercise in respect of such European British subject the same jurisdiction, power, and authority which would be had and exercised by the High Court at its ordinary place of sitting if the said European British subject had been committed or bailed to the said High Court at its ordinary place of sitting for the offence with which he is charged. But the trial of the said European British subject before such Judge of the High Court acting under such Commission as aforesaid, and whether sitting by himself or with the Associate Judge, shall, subject to the exceptions hereinafter declared, be conducted in accordance with the rules and provisions contained in the Code of Criminal Procedure, and thereby made applicable to trials of persons committed or bailed for trial before the Court of Session for offences triable by such Court.

Code of Criminal Procedure to apply to such subjects except as hereinafter declared.

Jurisdiction over persons not European British subjects tried under Commission.

33. The Judge of the High Court acting under such Commission in the place and manner therein mentioned, and whether sitting by himself or with the Associate Judge, shall, if he shall think fit, have and exercise the same jurisdiction, power, and authority in respect of any person committed or bailed for trial under the Code of Criminal Procedure before the Court of Session at the place and within the time in such Commission mentioned as might be had and exercised by the Court of Session to which such person was committed or bailed. The trial of such person shall be conducted, subject to the exceptions hereinafter declared, in accordance with the rules and provisions contained in the Code of Criminal Procedure, and thereby made applicable to trials before a Court of Session of persons committed or bailed to such Court for offences triable by the same.

Trials under Commission to be by Jury.

34. All trials before a Judge of the High Court acting under such Commission as aforesaid, and whether sitting by himself or with the Associate Judge, shall be by Jury.

35. Whenever the Governor General of India in Council or the Governor of Madras or of Bombay in Council, as the case may be, shall have signified to the High Court that it is intended to issue a Commission as aforesaid to any Judge or Judges of the High Court authorizing and directing sittings of the said Judge or Judges in any place, the High Court shall give notice of such intention to the Court of Session at such place, and thereupon the said Court of Session shall take and cause to be taken the measures prescribed by Sections three hundred and thirty-six to three hundred and forty, both inclusive, of the Code of Criminal Procedure for the summoning of Jurors; and in addition to the persons so summoned as Jurors, the said Court of Session shall, if it shall think needful, after communication with the Commanding Officer, cause to be summoned such number of Commissioned and Non-Commissioned Officers in the Military service resident within ten miles of its place of sitting as the Court shall consider to be necessary to make up the Juries required for the trial of persons charged with offences before the Judge of the High Court acting under Commission as aforesaid. All Commissioned and Non-Commissioned Officers so summoned shall be liable to serve on such Juries notwithstanding anything contained in the Code of Criminal Procedure, but no Commissioned or Non-Commissioned Officer shall be summoned whom his Commanding Officer shall desire to have excused on the ground of urgent Military duty or for any other special Military reason. The Juries for the trial of [illegible] Commission as aforesaid shall be formed in the manner required by the Code of Criminal Procedure and by this Act from the persons summoned under the said Sections of the Code of Criminal Procedure and from the Commissioned and Non-Commissioned Officers summoned as aforesaid, or, if no such Officers have been summoned, then solely from the persons summoned under the same Sections.

Summoning of Jurors to serve on trials under Commission.

Military men not exempt.

36. If the person charged shall be a European British subject and shall so require before the Jury shall be empannelled, the majority of the Jurors shall consist of Europeans or Americans. If such a Jury cannot be procured, the person so charged shall be sent for trial by the High Court in its usual place of sitting.

Jury for trial of European British subject.

37. On every trial mentioned in the thirty-fourth Section of this Act, the Jury shall consist of twelve persons, and unanimity, or a majority of not less than nine with the concurrence of the presiding Judge, shall be necessary for a verdict of guilty. In default of such unanimity, or of such majority and concurrence, the prisoner shall be acquitted.

Number of Jury requisite to verdict of guilty.

38. During the trial of any person before a Judge of the High Court, acting under Commission as aforesaid or by a Judge of the High Court and an Associate Judge sitting together, any act, not of a judicial nature, which the Code of Criminal Procedure requires to be done by the Court of Session, may be done by the Clerk of the Crown or by any Officer of the Court directed by such Judge to perform such act.

Acts not of a judicial nature may be done by Clerk of the Crown.

39. So much of the three hundred and eightieth Section of the Code of Criminal Procedure as requires the confirmation by the Sudder Court of sentences of death passed by a Court of Session, and so much of the said Section as requires from the Court a statement of the grounds on which a person convicted of an offence made punishable by death by the Indian Penal Code has been sentenced to a punishment other than death, shall not apply to sentences by a Judge of the High Court acting under Commission as aforesaid.

Portions of Section 380 of Criminal Procedure Code not to apply to sentences by High Court Judge.

40. So much of the twenty-sixth Chapter of the Code of Criminal Procedure as requires judgment to be passed by a Criminal Court in any particular form, and as requires that the sentence or finding shall be recorded in any particular form shall not apply to judgments, sentences, or findings in trials before a Judge of the High Court acting under such Commission as aforesaid, whether sitting by himself or with an Associate Judge; but the Judge shall pass judgment and shall record or cause to be recorded the sentence and finding in such form as he shall think proper.

Portion of 26th Chapter of Criminal Procedure Code not to apply to sentences of High Court Judge.

41. When any person has been tried by the High Court acting under Commission as aforesaid, the Judge, if he think proper, may reserve for the decision of the High Court any question of law or of the admissibility of evidence which has arisen in the course of the trial of such person. If the Judge reserve no such question, he shall forward the prisoner with a copy of his sentence and a warrant for the execution of the same to the Magistrate or other Officer in charge of the Jail of the District at which the trial was held, and such Magistrate or other Officer shall proceed thereupon in like manner as he is directed by the Code of Criminal Procedure to proceed in respect of sentences by a Court of Session not requiring confirmation. If the Judge reserve any question of law or of the admissibility of evidence, the person convicted shall, pending the decision of the High Court thereon, be dealt with in like manner as persons sentenced by a Court of Session in cases where the sentence requires the confirmation of the Sudder Court under the Code of Criminal Procedure. If the decision of the High Court be adverse to the person convicted, such decision shall be forwarded to the Court of Session of the district in which the trial took place, in like manner as is directed by the three hundred and eighty-third Section of the said Code with reference to orders of confirmation of sentences, and thereupon the said Court of Session and all other persons shall proceed as if the person convicted had been sentenced by such Court of Session and as if such sentence had been confirmed

Procedure where no such question for High Court any question of law or evidence.

Procedure where no such question reserved.

by the Sudder Court under the Code of Criminal Procedure.

Save as aforesaid, Criminal Procedure Code to apply to Juries under Commission.

42. Save as is hereinbefore otherwise provided, the Code of Criminal Procedure shall apply to the constitution and formation of Juries for the purpose of trials before a Judge of the High Court acting under Commission as aforesaid, or before such Judge and an Associate Judge, and to trials before such Judge of the High Court or before such Judge and an Associate Judge, and to sentences by such Judge of the High Court and to the carrying into execution of such sentences.

High Court Judge may direct Associate Judge to try any one triable under Commission not an European British subject.

43. If the Judge of the High Court think fit, he may direct the Associate Judge to try any person, other than a European British subject, who under this Act is triable by such Judge of the High Court. The trial of such person shall be regulated without exception by the rules of the Code of Criminal Procedure applicable to trials of persons committed or bailed for trial before a Court of Session, and such person, if convicted, shall be dealt with as if he had been con[illegible] before the Court of Session of the dis[illegible] the trial was held. Any person, [illegible] British subject, who has [illegible] for trial before the Court [illegible]tioned in such Com[illegible] as not been tried under [illegible]ich the Commission [illegible] the Court of Ses-

Power to Governor General of India in Council to appoint a Barrister to hold sittings under Commission at places not hereinbefore referred to.

[illegible] this Act, it shall be lawful for the Governor General of India in Council by his Commission to authorize and direct any Barrister-at-law of not less than five years' standing, although not a Judge of any High Court, to hold sittings at any place in British India, other than the usual place of sitting of such Court, and other than any place referred to in the twenty-second, twenty-third, and twenty-fourth Sections of this Act, or at several such places by way of circuit. The Barrister acting under such Commission, in the places and manner therein directed, shall have and exercise the same jurisdiction, power, and authority as (subject to the provisions hereinbefore contained) would be had and exercised by a Judge of the High Court acting under any such Commission as aforesaid.

Commencement of Act.

45. This Act shall commence and come into operation on such date as the Governor General of India in Council shall appoint by notification in the *Gazette of India*.

Act not to extend to Straits' Settlement.

46. This Act shall not extend to the Settlement of Prince of Wales' Island, Singapore, and Malacca.

WHITLEY STOKES,
Offg. Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 10th March 1865, and was referred to a Select Committee, with instructions to make their report thereon in a fortnight:—

No 9 OF 1865.

A Bill to amend Act No. X of 1862 (to consolidate and amend the Law relating to Stamp Duties).

WHEREAS it is expedient to amend Act No. X of 1862 (*to consolidate and amend the Law relating to Stamp Duties*); It is enacted as follows:—

Act X of 1862, Section 33, repealed.

1. The thirty-third Section of the said Act No. X of 1862 is hereby repealed, and the following Section shall be read in lieu thereof:—

Governor-General in Council may lower rates of Stamp Duty on any Deeds, &c., mentioned in the Schedules, or on any class of such Deeds, &c.

2. The Governor-General of India in Council may, from time to time, by an order to be published in the Official Gazette, direct that, in the whole of the British Territories in India, or in such part thereof as may be specified in the said order, such lower rates of Stamp Duty as he shall prescribe shall be taken on all or any of the Deeds, Instruments or Writings specified in the Schedules annexed to the said Act, or on any particular class of such Deeds, Instruments or Writings, or on any of the Deeds, Instruments or Writings belonging [illegible] such he may altogether exempt the [illegible] of the powers hereby given. Such cancelment or variation shall also be notified in the Official Gazette.

This Act to be taken as part of Act X of 1862.

3. This Act shall be read with and taken as part of the said Act No. X of 1862.

STATEMENT OF OBJECTS AND REASONS.

The part of the Stamp Act, which the present Bill proposes to amend, is the thirty-third Section. By that Section the Governor-General of India in Council is empowered to reduce the rate of Stamp Duty on all or any of the Deeds, Instruments and Writings described in the Schedules at the end of the Act, or altogether to exempt them from Stamp Duty. The Section, as now framed, might be supposed to be sufficiently large and comprehensive to enable the Government of India to do all that is necessary in the direction of the Section, and to meet every case in which a reduction of Stamp Duty might be deemed just or reasonable; but experience has shewn that the wording of the Section is too restrictive, and that the power given by it requires to be enlarged. An application has recently been made to the Government of India to reduce the Stamp Duty chargeable on bonds which are taken under the Indian Customs Act of 1863. These bonds are now liable to the same Stamp Duty as all other bonds or obligations for the payment of money. Compared with England the amount of Stamp Duty on bonds in this Country is high, and as levied on the class of bonds just mentioned, it is found to press heavily upon trade, and particularly upon the bonders of Salt cargoes.

Looking to the circumstances under which these bonds are taken, and to the fact that actions to enforce them are very rare, the Government are disposed to view favourably the proposition that has been made for the reduction of the rate of Stamp Duty to which they are now liable, and to follow to some extent the English practice in respect of such bonds; but they are advised that, although they have power to lower the rate of Stamp Duty on bonds generally in the whole or any part of British India, they have not power to reduce the rate of Stamp Duty on any particular class of bonds. The object of the present Bill is to invest the Government of India with this power as regards not only bonds, but also all other Deeds, Instruments and Writings liable to Stamp Duty.

H. B. HARINGTON.

The 3rd March 1865.

WHITLEY STOKES,
Offg. Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

HOME DEPARTMENT.

No. 2762 A.

Fort William, the 22nd March 1865.

NOTIFICATIONS.

Mr. Henry Davis Willock, of the Civil Service, is permitted to proceed to Europe on furlough for a period of three years, from the date of embarkation.

No. 2813.

The 27th March 1865.

His Excellency the Viceroy is pleased to reappoint the Hon'ble H. S. Maine to be Vice Chancellor of the Calcutta University.

No. 2814.

The following Despatch from the Right Hon'ble the Secretary of State, No. 12 of 1865, dated 2nd February, is published for general information:—

PUBLIC. INDIA OFFICE,
No. 12. *London, 2nd February* 1865.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,—In accordance with the suggestion made in your letter in the Foreign Department, (General,) dated 19th September, (No. 17) 1864, I have consulted the Law Officers of the Crown and the Standing Counsel to this Department on the question whether the restrictions as to salaries in India imposed by Acts 33 George III, Cap. 52, Section 57,—and 53 George III, Cap. 155,—Section 82, have been repealed by Act 24 and 25 Victoria, Cap. 54; and it is the opinion of those Functionaries that the enactments in question have been wholly repealed by Section 7 of the last-mentioned Act.

2. It will be proper, in accordance with this opinion, that any sums, which, since the passing of Act 24 and 25 Victoria, Cap. 54, have been withheld from any Junior Civilians in any of the Presidencies under the view of the Law which has now been declared to be erroneous, should be paid to them, and that any sums retrenched on the same account should be refunded; and having considered the subject in Council, I have to request that you will cause an adjustment of the salaries of the Civil Servants in question to be effected in conformity with this view.

3. I shall address you hereafter on the general subject of the limitation of salaries in relation to length of service.

I have, &c.,
(Sd.) C. WOOD.

No. 2815.

The 28th March 1865.

The services of the Reverend E. Godfrey, Chaplain of Jubbulpore, are placed at the disposal of the Government of the Punjab.

No. 2816.

The Reverend C. W. Cahusac, Chaplain of Jhansi, is appointed Chaplain of Jubbulpore, in the Central Provinces.

No. 2905.

The Hon'ble F. B. Kemp, a Puisne Judge of the High Court, availed himself, on the 22nd instant, of the leave of absence granted to him on the 14th of December last.

No. 2906.

The Governor General in Council is pleased to invest the undermentioned Junior Civil Servant, transferred from the North-Western Provinces for service in Oude, with the powers of a subordinate Magistrate of the 2nd Class, described in Section 22 of Act XXV of 1861:—

Mr. A. F. Millett, Officiating 3rd Class Assistant Commissioner, Oonao.

No. 2907.

The 29th March 1865.

The following Despatch from the Right Hon'ble the Secretary of State for India is published for general information:—

PUBLIC. INDIA OFFICE,
No. 16. *London, 10th February* 1865.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,—I have to inform you that I have appointed General Sir William Mansfield, K. C. B., Commander-in-Chief of Her Majesty's Forces in India, to be an Extraordinary Member of the Council of the Governor General of India.

I have, &c.,
(Sd.) C. WOOD.

No. 2908.

Under Section 8 of Act V of 1865, the Governor General in Council is pleased to grant a license to the Reverend J. Dawson, Minister of the Free Church of Scotland, to solemnize marriages within the Central Provinces.

No. 2910.

The 30th March 1865.

The Governor General in Council has been pleased to nominate Lieutenant Colonel F. J. Goldsmid, Madras Staff Corps, to be Superintendent of the Indo-European Telegraph, vice Lieutenant Colonel P. Stewart, deceased.

No. 2911.

In consequence of the prevalence of the crime of dacoitee in the Digris and Poosud Tracts in the Woon District of the Hyderabad Assigned Districts, and of the complicity of the inhabitants in the crime, the Governor General in Council is pleased, under Section 15, Act V of 1861, to sanction, for the period of one year, the quartering of the Extra Police Force detailed in the margin, in the said places, the expense to be defrayed in the manner provided in the same Section.

1 Chief Constable ..	Rs.	60
2 Head Constables ..	„	22
12 Constables with batta	„	90
	Rs.	172
10 per cent.	„	18
	Rs.	190

No. 2912.

In accordance with the provisions of Section 15, Act V of 1861, the Governor General of India in Council is pleased to direct that the town of Seonee in the Hooshungabad District, in the Central Provinces, shall be charged for six months with the cost (viz., Rs. 36 per mensem) of maintaining an additional Police Force, consisting of one Head Constable and four Constables rendered necessary by the conduct of the inhabitants.

No. 2913.

The 31st March 1865.

The undermentioned Covenanted Civil Servants have been permitted by the Secretary of State to return to their duty by the steamers of the dates specified without prejudice to their appointments, viz. :—

Mr. H. G. Ross ... 12th January.
„ J. W. Smyth, ... 12th Jan. *viâ* Marseilles.
„ F. S. Wigram ... 28th Jan. ditto.
„ W. Macpherson ... 20th January.
„ H. A. R. Alexander 4th February.

Mr. J. Graham, Standing Counsel at Calcutta, has been permitted by the Right Hon'ble the Secretary of State to return to his duty by the Marseilles Steamer of the 10th February without prejudice to his appointment.

The undermentioned Covenanted Civil Servants having produced the necessary medical certificates, have been granted by the Right Hon'ble the Secretary of State extensions of leave for the period specified against their names:—

Mr. L. R. Tottenham ... 6 months.
„ H. J. Reynolds .. 6 „
„ W. M. Beaufort ... 3 „

No. 2914.

Lieutenant E. B. Ward, District Superintendent of Police, Hurdui, has obtained one month's leave from the 2nd instant, preparatory to applying for sick leave to Europe.

No. 2916.

The Governor General in Council is pleased to invest the undermentioned Officer, in the Central Provinces, with the powers of a Subordinate Magistrate of the 1st Class described in Section 22 of Act XXV of 1861 :—

Sheolall Doobay, Tehseeldar of the Chindwarra District.

No. 2918.

Mr. D. F. Lonsdale, appointed an Assistant Commissioner in British Burmah, is invested with the powers of a Subordinate Magistrate, 1st Class, as described in Section 22 of Act XXV of 1861.

No. 2920.

Messrs. Edwin Joselin Connor and John William Macdougal are appointed 3rd Class Sub-Assistants in the Great Trigonometrical Survey, with effect from the 1st instant.

No. 2922.

Leave of absence on medical certificate for a period of eleven months and twenty-six days is granted to the Hon'ble R. N. Cust, of the Bengal Civil Service.

No. 2923.

The following rules relating to Emigration from the Port of Calcutta have been made by the Governor General in Council under the provisions of Section 63 of Act No. XIII of 1864, and are published for general information :—

Rules for the guidance of the Protector, Medical Inspector of Emigrants, and Colonial Emigration Agents at the Port of Calcutta, under the provisions of Act No. XIII of 1864.

1. Protector of Emigrants.—The Protector of Emigrants shall at least once a week inspect the Emigrants in the various Depôts, examine into the state of each Depôt, and note the manner in which the Emigrants are lodged, fed, and clothed, and otherwise provided for.

2. He shall examine all intending Emigrants recruited in Calcutta, and if satisfied that the nature of the engagement is comprehended, register the same in a Book kept for the purpose. One copy of every Registration shall be furnished to the Emigrant, and one to the Emigration Agent of the Depôt for which the Emigrant has been engaged.

3. He shall take such steps as he shall think necessary for the conveyance to the place of first registration of all Emigrants who have been pronounced unqualified for Emigration by the Medical Inspector.

4. It shall be his duty to see that no restraint is put on any Emigrant, whether in Depôt or at the time of embarkation, and that none are detained or embarked against their will.

5. He will see that every Vessel licensed to carry Emigrants has been carefully surveyed, and ascertain that she is properly ventilated and is supplied with all necessaries requisite for the voyage.

6. He shall report in full on the survey to the Local Government, and if in every way qualified for the carrying of Emigrants, grant a Certificate to that effect to the Master of the Vessel.

7. It shall be the duty of the Protector of Emigrants to require the Master to enter into a Bond in consideration of his obtaining a License to carry Emigrants.

8. He shall see that the Emigrants are supplied with extra clothing at certain seasons of the year, or between the 1st March and 15th September.

9. It shall be the duty of the Protector to prevent the embarkation of any Emigrant who may be considered by the Medical Inspector incapacitated for labor from any cause whatever. He shall also ascertain that every Emigrant has in his possession a copy of the Registration provided under Section 30 or 33 of the Act.

10. The Protector shall, prior to embarkation, explain to all intending Emigrants the provisions of the Act in so far as they are affected thereby.

11. The Protector shall be personally present at the embarkation, and shall, in conjunction with the Master, compare the Lists supplied by Agents with the Passes, receiving two copies of the List from the Master, and, if correct, sign them, returning one to the Master, the other to be placed as record in the Protector's Office.

12. It shall be his duty to see that no one remains on board who has not a Pass, or whose name is not mentioned in the List.

13. The Protector shall report to the Local Government any discrepancy in the Muster Roll taken by the Officer of Customs or Pilot with the List signed by the Master and filed in the Office of the Protector.

14. The Protector shall furnish to the Protector of Immigrants, or other the proper Government Authority at the place for which the Emigrants embarked, a correct and detailed List of all Emigrants embarked in each Vessel, compiled from the Passes and from the List signed by the Master.

15. The Protector of Emigrants shall, as far as lies in his power, generally protect with his advice or otherwise all intending or return Emigrants, and shall cause all the provisions of the Act to be duly complied with. He shall also inspect Vessels bringing return Emigrants, ascertain the treatment received during their term of Emigration and on the voyage, and shall report thereon to Government.

16. Ships may be allowed to carry their full measurement of Emigrants, computed under Clauses 2 and 5, Section 47 of the Act, with a separate compartment for the married people and children; the space so measured shall be devoted to the exclusive use of the Emigrants, and shall in every part have a height of not less than five feet and a half, and may be either between-decks or in cabins on the upper deck firmly secured and entirely covered in.

17. Government Medical Inspector of Emigrants.—The Medical Inspector of Emigrants shall at least once a week examine into the sanitary state of each Depôt, inspect the Emigrants, and note the manner in which they are lodged, fed, clothed, and otherwise provided for and attended to. He shall report to the Protector any objection he may have to make to any Depôt, as well as any neglect or oppression of the inmates.

18. He shall, as soon as convenient, after the arrival of an Emigrant at a Depôt, examine the copy of his Registration, ascertain if he is in a fit state of health to emigrate; and if satisfied of his fitness, furnish a Certificate thereof to the Emigration Agent; if otherwise, furnish a Certificate to the contrary effect to the Protector of Emigrants.

19. He shall, in conjunction with the Protector of Emigrants, be personally responsible that all the provisions contained in Section 48 of the Act are complied with.

Colonial Emigration Agents.—Every Colonial Emigration Depôt shall be licensed by the Protector of Emigrants after being inspected and approved of by him and the Medical Inspector of Emigrants, and for every License granted under Act XIII of 1864 there shall be paid to the Protector a fee of Rs. 10.

21. Every Recruiter must be licensed by the Protector of Emigrants.

22. Each Recruiter shall be licensed to recruit for some particular place to which Emigration is lawful under the Act. Licenses to be granted only on the application of Emigration Agents.

23. No License shall be in force for a longer period than one year, and may be at any time cancelled by the Protector for misconduct. Every License shall be in the form set forth in Schedule B. of the Act, and for every such License there shall be paid to the Protector a fee of Rs. 10.

24. Every Recruiter shall wear a badge in accordance with Section 28 of the Act.

25. Every Recruiter must have his License countersigned by the Magistrate of the District in which he is recruiting.

26. Every intending Emigrant, before leaving his District, must be taken by the Recruiter before the Magistrate for examination and registration, or in the case of recruitment in the Town of Calcutta, must, within forty-eight hours and before removal to an Emigration Depôt, be taken before the Protector of Emigrants for a similar purpose.

27. For the registration of every statute adult Emigrant the Recruiter shall pay to the Magistrate or to the Protector, as the case may be, a fee of Re. 1, which fee will be refunded on proof of desertion.

28. Emigrants shall be conveyed with all convenient dispatch to the Depôt of the port of embarkation, accompanied on the journey by the Recruiter or by a competent person appointed by him with the approval of the Magistrate. Such Recruiter or Agent shall throughout the journey provide them with suitable lodging and food.

29. The Emigration Agent shall report to the Protector of Emigrants the arrival of each Emigrant, and shall, as soon as convenient after such arrival, exhibit a copy of his Registration to the Medical Inspector of Emigrants.

30. The Emigration Agent, in the presence of the Protector and within forty-eight hours after the arrival of each Emigrant, shall ascertain whether he has been properly fed and treated during the journey to the Depôt. He shall also inspect and countersign the Emigrant's copy of his Registration.

31. The Emigration Agent shall deliver to all such Emigrants as have been approved by the Medical Inspector of Emigrants, a Pass in accordance with Section 42 of the Act.

32. The Emigration Agent shall examine and pass the Emigrants in the presence of the Protector of Emigrants.

33. The Emigration Agent shall furnish a Certificate of compliance with the requisitions of the Act to the Master of the Ship, to enable him to obtain his License.

34. The Emigration Agent shall furnish the Master of the Vessel with five copies of a List prepared in conformity with Clause 1, Section 53 of the Act, two copies of which List he shall, after the embarkation, countersign, returning one of them to the Master.

35. The proportion of females shall be 25 per cent. to male Emigrants embarked. Females in an advanced stage of pregnancy should not be embarked, nor, as a general rule, young children who are unable to take ordinary food.

36. Every Emigration Agent shall afford every facility to the Protector and Medical Inspector of Emigrants for the due execution of their duties.

Rules for the guidance of all persons concerned in the Emigration of Native Laborers from Calcutta to British and Foreign Colonies.

1. Every Vessel for which a License is required shall be surveyed under the instructions of

the Protector of Emigrants to whom applications for Survey should be addressed.

2. After a Vessel has been surveyed and passed as fit for the conveyance of Emigrants, the Protector will grant to the Master a Certificate of her fitness, after which the Commander shall send for the inspection of the Protector, samples of each description of provisions enumerated in the accompanying Scale No. 1, and the provisions shall be kept 'tween-decks till examined and passed by the Protector and Medical Inspector of Emigrants. Commanders are desired to be particularly careful in inspecting the provisions, to satisfy themselves that all are of the best quality, as the examination by the Protector of the samples and of the provisions on board does not in any way lessen their responsibility. They are further required to sign the Certificate affixed to the accompanying Form No. 4. After the provisions have been passed, a sample of each sort must be sent to the Emigration Agent. River water drawn from a point above the city by Government Water Tank Boats provided for the purpose, is to be laid in for the use of the Coolies and Crews of Ships; the prescribed quantity of drinking water required for the voyage,* equal to consumption, is to be carried in Iron Tanks or Casks. Every Vessel employed in the conveyance of Emigrants shall, unless specially exempted by the Protector, be fitted with a Normandy's Apparatus or other Apparatus approved by the Protector of Emigrants for distilling Sea water, and shall also carry thirty tons of English Coal and a sufficiency of stores and tools for the Apparatus in accordance with the List in the Protector's Office. Where a Distilling Apparatus is provided, a reduction shall be allowed of one-third in the quantity of water carried in the Tanks. The Agent or Commander of every Vessel engaged to convey Emigrants shall provide medicines, medical comforts, and surgical instruments and appliances according to the annexed scale No. 3. All such medicinal stores shall be examined by the Depôt Surgeon, whose Certificate as to their quantity and quality shall be forwarded to the Office of the Protector of Emigrants at least one week before the Vessel sails.

3. Every such Vessel shall have one storm hatch, and a wind sail for every hatchway, and be otherwise ventilated according to the Regulations of Government. Commanders are required to understand and to be provided with a copy of Piddington's Work on the Law of Storms, and of Colonel Reid's Work, if procurable. They are further to be provided with the provisions and stores prescribed in Schedule No. 1 appended to these Rules. No dogs or wild animals shall be allowed on board a Vessel intended for Emigrants, nor shall any lumber be kept on the upper deck, except Ship's fitting, Long Boat, together with provisions, ghee, oil, &c., and water sufficient for three days' consumption. This supply is always to be kept ready to be served out daily without opening the hatches.

4. Water closets shall be fitted abreast of the forechains inside the Vessel, one for the use of the women, and one for the sick in bad weather; the latter shall on no account be used at any other time or for any other purpose. The space to be occupied by the Emigrants between-decks must be white-washed and entirely cleared, nothing being stowed away in any part or between the beams; platforms, twenty-four feet long, shall be erected in the between-decks abreast of each hatchway on both sides of the Ship, and one must be fitted over the Long Boat. Cabooses shall be constructed so as to afford ample shelter to the Cooks from the weather. When this has been done, and all requisites, including cooking pots, cabooses, &c., have been put on board, and the Vessel is ready for Sea, the Commander shall apply to the Protector to have her surveyed again, and will then obtain a Certificate in the annexed Form No. 5.

5. A qualified European or Native Medical Officer will, subject to the approval of the Protector of Emigrants, be appointed by the Emigration Agents to every Ship engaged for the transport of Emigrants. In cases in which the Medical Officer selected by the Agents has no Diploma, he shall not be employed without the approval of the Director-General of the Medical Department. An Apothecary, or qualified Native Doctor shall also be appointed to attend on the Emigrants during the voyage.

6. The Medical Officer selected must be sent to the Protector's Office for the purpose of having his Testimonials examined, and the Protector may, if he sees reason for so doing, take the opinion of the Director-General of the Medical Department as to the efficiency of such Medical Officer.

7. Printed instructions for the medical treatment and management of Emigrants will be given to the Medical Officers on application by the Emigration Agent.

8. Government having directed that a second Medical Officer shall accompany each Ship to the Sandheads when disease is prevalent in Calcutta, any Commander not taking such an Assistant will be required to obtain from the Examining Surgeon, on the day of the embarkation of the Emigrants, a Certificate to the effect that they have been generally healthy in the Depôt, and that no epidemic is prevalent among the Coolies there.

9. Fire Buckets to the number required by the Port Regulations, *viz.*, five per 100 tons, shall be provided and arranged on the poop so as to be readily accessible in case of need.

10. Emigrants will not be allowed to embark on any Vessel on board which there is not a third European Officer, whose chief duty it shall be to adopt and superintend precautions against fire, and to have charge of and issue the rations and water of the Emigrants.

11. Prior to taking in cargo or stores, the Vessel's limbers and bilges shall be thoroughly cleared, and the latter shall be purified by means of Burnett's disinfecting fluid.

12. No Gunpowder or inflammable Oil shall be taken on board an Emigrant Vessel on freight.

13. Every Commander of an Emigrant Ship is required to procure a Certificate from the Owners or Managing Agents to the effect that a competent Steam Tug is engaged to take his Vessel to Sea, and that she will be ready to take the Vessel in tow within twenty-four hours after the embarkation of such of the Emigrants as shall have first embarked. Where neither the Commanders nor any of his Officers can speak the Native language, an efficient Interpreter must be provided.

14. Commanders are required to have Crew Lists prepared according to Form No. 6. No Native passengers, excepting Emigrants and Cabin passengers' servants, will be received on board an Emigrant Vessel.

15. Three days before the embarkation of Emigrants, Commanders are required to lodge Documents in the Forms Nos. 2, 4, 5, and 6 annexed

* *i. e.*, to the first intermediate Port of Calling.

to the Rules in the Protector's Office, to produce the Registers of their Ships, if required, and to execute the Bond required by the Emigration Act. Two copies of this Act and all Rules with translations will be furnished to them by the Emigration Agent, and must be retained in their possession during the voyage.

16. All requisite Forms will be supplied free of cost, but one Rupee will be charged for each duplicate, if any be required to replace lost or spoilt Forms.

17. When all the arrangements required by the above Rules have been completed, and the Vessel is clear and in all respects ready for Sea and in a fit state to receive the Emigrants on board, the Master shall apply in writing, through the Protector of Emigrants to the Local Government, for a License which will be delivered to the Master after the final examination of the Ship.

18. Moorings are specially laid down abreast of the Cooley Embarkation Wharf at Garden Reach, at which Commanders are required to moor their Vessels before the Emigrants embark.

19. Commanders are required to muster their Crew in the presence of the Pilot previous to the embarkation of the Emigrants, in order that their efficiency may be ascertained.

20. Commanders are required to afford to the Preventive Officers and Pilots every assistance in their power in carrying out the separate instructions with which they are charged.

21. In addition to the Emigration Certificate or Pass granted to each Cooley, the Emigration Agent will furnish the Master of every Vessel with five copies of a List of Emigrants which he is required to sign, and shall deliver two of them to the Agent, who after signing them will return one to the Master for the use of the Emigration Authorities at the Port of debarkation. The Master will also deliver to the Protector of Emigrants two copies of the List, who after signing them will return one copy for the purpose of the use of the Customs Officer mustering the Emigrants, retaining the other for Office record.

22. For every hundred adults four Sirdars must be appointed, one of them (who, whenever practicable, should be a man who has made a voyage before,) to act as headman. The Emigrants, previous to embarkation, must be divided into lots, and each Sirdar should take charge of a company and also of a division of the lower deck, for the cleanliness of which he is to be held responsible; one Mehter or Topas is to be shipped for every hundred souls, and two* professional Cooks (Bandarees) are to be sent in each Vessel, if the Protector thinks such an arrangement necessary.

[Surgeon's duties.]

23. The Ship's Surgeon shall receive charge of the medicines, medical stores, &c., previously ascertaining that they are of good quality and not short of the quantity stated in the List furnished to him. He shall also give a receipt for such articles of clothing for the use of the sick as may be supplied to him by the Emigration Agent, and on arriving at the Port of debarkation he shall deliver the balance of such stores to the Emigration Agent at that Port, with a Statement of issues during the voyage.

24. Surgeons should see that one-half of the men and women remain constantly on the upper deck during the Vessel's progress down the River, and that the greatest care is taken to prevent their drawing up and drinking the River water from alongside. The platform over the Long Boat and the poop deck being for the express accommodation of the Emigrants, good awnings must be spread over the poop and main deck all day and night until the Vessel is outside Saugor. In Vessels without a poop the space behind the mizen mast is to be given up to the Emigrants during the voyage, and specially while in the River. Surgeons should also see that every Emigrant, male and female, children included, is sent on deck daily in moderate weather, provided there are no urgent sanatory reasons to the contrary.

25. During the voyage, Commanders should see that the 'tween-decks are cleared three times every day, fumigated and dry-holy-stoned at least twice a week, and white-washed throughout, every alternate Saturday,—weather permitting; that none of the Crew interfere with the comforts or accommodation of the Emigrants; that the space given up for their use is in no way encroached upon; and that the provisions and water are regularly served out in the presence of an European Officer twice every day at fixed hours, according to the annexed Scale No. 1, so that the Emigrants shall be provided with two cooked meals daily at 9 A. M. and 4 P. M. Commanders should retain in their possession the Certificate and effects of those Emigrants who die during the Vessel's progress down the River and at Sea, and deliver them to the Protector of Emigrants at the Colony to which they are bound, with the counterpart List given to them by the Emigration Agent: great care must be taken not to deface the Certificate or List.

26. Ships that do not make so much water as to require to be pumped out once a week, must twice a week have a sufficient quantity of water poured into their hold, and pumped out again for the purpose of keeping the bilges sweet.

27. As the health of the Emigrants and the welfare of all persons on board a Ship materially depend on due care and attention to ventilation, cleanliness, and dry decks, the Commander is required to fit Booby hatches to each hatchway, and to take care that in bad weather ports, scuttles, and the ordinary hatchways are kept closed. During fine weather the Emigrants should be allowed and encouraged to be as much on deck as possible.

28. The Emigrants are to be allowed the means of bathing daily and of washing their clothes twice a week. They should also be allowed to have such exercise and recreation as the Surgeon may recommend. The Commander of the Vessel should provide them with tubs and buckets, and with a hand-pump to enable them to draw up water either for bathing or washing purposes, as well as with lines for drying their clothes. The Commander should also desire one of his Officers and some of the Crew to render assistance to the Emigrants on these occasions. For the women accommodation for bathing should be made by screening off a place with a sail. During the continuance of rainy weather much fresh water may be saved and reserved for washing clothes, and as at that time the decks and clothes will be much affected by damp, the Commander is required, on the return of fine weather, to dry the decks with hanging stoves, the greatest care being taken that no Emigrants are in the 'tween-decks at the time. The airing and drying of bedding and clothes at least twice a week must be insisted on.

29. As the Surgeon will have the principal charge of the Emigrants, every requisition made by him to the Commander, consistent with good order and discipline, without interfering with the

* Except when more than 350 Coolies are conveyed in a Ship, in which case a third Cook must be taken.

routine duties for which the Commander himself is always the responsible person, must be promptly complied with.

30. Meals, when ready, should be reported to the Surgeon, who should inspect the food to satisfy himself that it has been cooked sufficiently. It must then be served out under the superintendence of the Ship's Officers, the Surgeon going below to assist in keeping order, and seeing that an equal distribution takes place.

31. Emigrants must, whenever the weather permits, eat their food on deck and not below, and no one should be permitted on any account to retain any portion of cooked rice or meal for consumption when cold.

32. Cooking utensils should be frequently inspected, and the practice of boiling rice or other articles of food in a mixture of salt and fresh water must be strictly prohibited. Provisions must always be well and properly cooked. Care must be taken to prevent any wastage of the daily allowance of water. The Sirdars should exercise a careful supervision on all these points, and never fail to report to the Commander and Surgeon any instances of neglect.

33. It will be the duty of the Surgeon to enforce on the Emigrants regularity of habits, cleanliness, and good order, and to encourage bathing whenever the weather permits. It is also important to the health and well-being of the Emigrants to keep up their spirits by harmless diversions and exercise. They should be permitted to play on their musical instruments, and sing until eight bells. They must not be allowed to sleep on deck at Sea, unless under cover and well wrapped up.

34. The Surgeon should, as far as possible, guard the Emigrants from harsh treatment by any subordinate person on board the Vessel, by bringing every instance of such treatment to the notice of the Commander, who should enquire into the matter, and administer such punishment as the case calls for. No punishment shall be inflicted on any Emigrant except by order of the Commander.

35. It will be the Surgeon's duty to recommend to the Commander of the Vessel for adoption such arrangements or expedients, either sanatory or otherwise, for the comfort of the Emigrants as may from time to time appear to him to be necessary or advisable.

36. The Surgeon should request the Commander to have two days every week devoted to the washing and airing of bedding and clothes, and there should be a general muster every week of all personal clothes and bedding belonging to the Emigrants. All warm clothing, according to the scale prescribed in Table No. 2, should, at the outset of the voyage, be taken an account of and held in reserve under the Commander's and Surgeon's care, to be served out to the Emigrants when a change of climate necessitates a change of raiment. The warm clothing allotted to each male or female should be marked, and the owner held responsible for its care and preservation. Extra suits of clothing, at the rate of 5 per cent. of strength, should be supplied to replace clothing irreparably damaged or rendered unfit for wear by sickness. The clothing of every Cooley dying from typhus fever, dysentery, small-pox, and cholera, should be destroyed.

37. The Surgeon must keep a watchful eye on the health of the Emigrants to discover the earliest symptoms of scurvy, fever, bowel complaint, or any other disease, in order that he may take prompt measures to stop the progress of sickness among them, and in addition to this general observation he should muster the Emigrants at least twice on the upper deck, and by a personal inspection ascertain their state and condition.

38. On the least suspicion of scorbutic disease, the Surgeon must represent to the Commander the necessity of such change of diet as may be essentially required. He must also take especial care that none of the Emigrants, male or female, wear or lie down in damp clothes, and in short both he and the Commander should always bear in mind that on wholesome diet, cleanliness, ventilation, and recreation, materially depend the preservation of health and the comfort of the men, women, and children, who are placed under their care and control.

39. The Surgeon must keep two Registers; the one a Daily Journal in the form prescribed by the Medical Inspector of Emigrants, and the other a Special Mortality Record. In the former should be entered the Ship number, disease, and general treatment, very briefly, of every Emigrant sick during the passage. In the latter are to be entered the cases of those who die, specifying the Ship number, name, sex, and caste of every deceased Emigrant, the Villages and District of which he or she was resident, the disease which caused death, and the date of decease. A Medical history of the voyage should also be kept in full detail with a Statement of every fatal and important case occurring on board, as well as of every occurrence worthy of remark. These Records must be signed by the Surgeon, and, on arrival at the Port of debarkation, handed to the Protector of Emigrants or other proper Government Authority for transmission to the Protector of Emigrants at Calcutta.

40. The Hospital accommodation required to be provided in Emigrant Ships, under Clause 3, Section 44 of Act XIII of 1864, shall invariably be on the upper deck.

41. On arrival at the Port of debarkation, the state in which each of the Emigrants is landed, whether in perfect health, sickly, &c., should be entered in the column of remarks of the General Register in the hands of the Commander. Opposite the names of those who died on the passage should be entered "died," and the date of decease. This Register must be signed by the Commander and forwarded immediately on arrival to the Protector of Immigrants or other proper Authority at the port of debarkation for transmission to the Protector of Emigrants at Calcutta.

42. To ensure regularity and correctness in those Returns, no payment of any description is to be made to the Surgeon until the General Mortality Registers have been examined, and their correctness ascertained by the Protector of Emigrants or some other authorized Officer of Government and by the Health Officer of the Port of debarkation. They will then be countersigned by those Officers with a declaration of their correctness, and transmitted by the earliest opportunity to the Protector of Emigrants at Calcutta.

43. Surgeons proceeding in Emigrant Vessels are required to attend frequently at the Depôts before embarkation, in order that they may become acquainted with the health and physical condition of the people they are to receive charge of.

44. The Forms of Registers referred to are those appended in and marked Nos. 7, 8, and 9. They will be supplied by the Emigration Agent at Calcutta.

Protector of Emigrants.

No. 1.

Scale of Provisions, &c., for Ships conveying Emigrants to British and Foreign Colonies.

Daily allowance for every adult passenger. Children above two and under ten years of age to receive half rations :—

West Indies.

	lbs.	oz.	dr.
Rice	1	4	0
Dholl	0	4	0
Ghee	0	1	0
Mustard Oil	0	0	8
Salt	0	1	0
Salt Fish	0	2	0
Tamarind	0	0	8
Turmeric	0	0	4
Onions	0	2	0
Garlic	0	0	0½
Chillies	0	0	0¾
Black Pepper	0	0	1½
Coriander Seeds	0	0	2
Mustard Seeds	0	0	0½
Tobacco, Smoking	0	0	8
Firewood	2	0	0

Mauritius or Reunion.

	lbs.	oz.	dr.
Rice	1	8	0
Dholl	0	3	0
Ghee	0	0	8
Mustard Oil	0	1	0
Salt	0	1	0
Salt Fish	0	2	0
Turmeric	0	0	4
Onions	0	1	0
Garlic	0	0	4
Chillies	0	0	0½
Coriander Seeds	0	0	4
Tabacco, Smoking	0	1	0
Firewood	2	8	0

Water, 1 Imperial Gallon.

Fresh provisions, bread equal to three days' supply at 8 oz. per adult, sheep or goats, equal to one day's supply during every week of the voyage, or about * sheep per week for every 100 adults, must be provided. Yams, potatoes, and pumpkins are to be shipped in sufficient quantity to allow of the issue of vegetables twice a week in the proportion of ½ a lb. per adult; also leaf tobacco at the rate of 2 oz. weekly per adult for vessels proceeding to the westward of the Cape of Good Hope. A quantity of flour should be provided for Natives of Behar and Goruckpore to make chupatees or unleavened cakes at the rate of 8 oz. of flour for 12 oz. of rice. This allowance is for Emigrants proceeding to the westward of the Cape of Good Hope.

Dry provisions for bad weather when the usual provisions cannot be cooked.

West Indies.

Choorah for	6 days	At 2 lbs.
Biscuit „	12 „	„ 2 „
Gram „	18 „	„ 8 oz.
Sugar „	18 „	„ 2 „

Mauritius or Reunion.

Choorah for	15 days	At 8 oz.
Biscuit „	15 „	„ 8 „
Gram „	15 „	„ 2 „
Sugar „	15 „	„ 1 „

Memorandum of Articles required for 100 Adults for Ships proceeding to the westward of the Cape of Good Hope.

2 Block Tin Saucepans from 1 pint to half a Gallon.
3 Iron Frying Pans for making chupatees.
4 Iron Spoons.
200 lbs. of Dessicated Milk (Grimwade's.)
50 Baël Fruits.
20 Gallons Brandy.
10 „ Lime Juice.
18 Bottles of Port Wine.
3 Maunds Dacca Soap.
1 „ Chunam.
5 lbs. Tea.
4 Hexagonal Safety Candle Lanterns with spring sockets, three spare plates of glass, and a spring for each.
4 Iron Boilers, with covers complete.
2 Curry Stones, with Mullers.
2 Dozen Country Brooms.
5 Buckets to every 100 tons of Ship Register.
4 Sieves for cleaning rice, &c.
1 Hatchet for cutting wood.
4 Iron Ladles.
8 New Swabs, full size.
2 Bales Hay for Sheep (large size.)
3 Maunds Gram for Sheep.

Memorandum of Articles required for 100 Adults for Ships proceeding to the eastward of the Cape of Good Hope.

Lime Juice	1 dozen.
Brandy	1 „
Baël Fruits	50 in No.
Pumpkins	80 „
Potatoes	3 maunds.
Sheep	4 in No.
Iron Boilers	4 „
Preserved Milk	12 Gallons.
Fowls	24 for every 12 Infants.
Hay for Sheep	
Gram for „	30 Seers for each Sheep.
Dacca Soap	4 oz. per adult weekly.

* West Indies, six sheep.
Mauritius and Reunion, four sheep.

Memorandum of additional Articles required for each Ship.

Copper Pumps.
Life Buoys.
2 Scuttle Butts, with lock and key.
2 Wash Deck Tubs.
2 Gallon Measures.
2 Half Gallon ditto.
2 Quarter „ ditto.
2 Double Cabooses.
4 Hanging Stoves for drying lower deck.
Water Closets according to the number of Emigrants shipped.
1 Set of Scales and Weights.
1 Pair of Steel Yards.
4 White-washing Brushes.

Memorandum of additional Articles required for each Ship.

4 Iron Ladles.
2 Copper Pumps.
6 Lanterns.
2 Maunds of Cocoanut Oil.
6 „ Chunam.
4 Curry Stones with Mullers.
3 Dozen Country Brooms.
4 Double Water Closets.
2 „ Cabooses.
4 Hatchets for cutting wood.
18 New Swabs.
10 Sieves for cleaning rice, &c.
3 Life Bouys.
5 Buckets to every 100 tons of Ship Register.
Scales and Weights equal to weighing one maund.

The following Regulations are to be observed in connection with the revised Scale of dietary:—

1. The water laid in should be of the purest description drawn from the Government Iron Tank Boats in Calcutta, and great attention should be paid to the cleanliness of the Iron Tanks or Casks in which it is carried. The Tanks should be constructed of iron of sufficient thickness. The Casks should be sweet and tight, of sufficient strength, and if of wood, properly charred inside, and shall not be more than 300 gallons each.

2. The provisions daily issued are to be divided into two portions, so that t be cooked for two meals, *viz.*, the provisions for the morning meal to be issued sufficiently early to allow it to be ready by 9 A. M., those for the afternoon meal by 4 P. M.

3. All provisions are to be issued by an Officer specially apointed to that duty by the Master of the Ship. The issues shall be recorded day by day in a printed Form supplied for this purpose by the Emigration Agent, to be signed daily by the Issuer and Surgeon Superintendent of the Ship.

4. Two experienced Cooks, whose appointment shall be subject to the approval of the Agent, shall be employed specially and exclusively in cooking for the Emigrants, and shall perform the duties under the direction of the Surgeon Superintendent of the Ship.

5. Whenever cooking shall be prevented by bad weather or by any other cause, or shall be deemed unadvisable by the Surgeon Superintendent, choorah, biscuit, gram, and sugar, (at the discretion of the Surgeon Superintendent of the Ship) shall be issued to each Emigrant in lieu of the cooked provisions.

6. Every child under two years of age who has no mother, or whose mother is unable to nurse it, shall receive every day a pint of milk and from 3 to 6 ounces of sago or arrowroot; and every nursing mother shall receive, besides her ordinary diet, a daily allowance of a pint of milk and from 3 to 6 ounces of sago or arrowroot at the discretion of the Surgeon Superintendent of the Ship

7. Fresh bread, at the rate of 8 ounces per adult, shall be issued at first starting for breakfast to such Emigrants as may choose to take it.

8. No alteration in the issues of provisions herein prescribed is to take place except under the express order of the Surgeon Superintendent of the Ship.

9. All deviations from the issues prescribed by these Regulations, with the reasons thereof, are to be noted in his Diary and reported to the Protector of Immigrants by the Surgeon Superintendent of the Ship on her arrival at the Port of destination.

NOTE.—Two-thirds of the allowance of fresh meat (sheep), salt fish, and vegetables required for Vessels proceeding to the westward of the Cape of Good Hope, is to be taken at Calcutta, the remainder either at the Cape of Good Hope or St. Helena. The prescribed quantity, according to Scale, is to be laid in at Calcutta before sailing for Mauritius or Reunion.

The length of a voyage to Mauritius or Reunion is reckoned to be ten weeks between the months of April and October inclusive, and eight weeks between November and March.

The length of a Voyage to the West Indies is twenty weeks.

No. 2.

CLOTHING.

List of Clothing and Utensils to be supplied to each Emigrant proceeding to the West Indies.

For each Male.

One suit of Woollen Garments, consisting of
1 Trowser and
1 Chupkun or Coat.
2 Patna Blankets.
2 Madras Cloth and one Linen Dhootees, of four yards each.
1 Jean Jacket.
1 Ditto Trowser.
1 White Calico Cap.
1 Woollen Red „
1 Tin Plate.
1 Tin Drinking Cup.

For each Female.

2 Patna Blankets and 1 Woollen Petticoat.
2 Grey Shirting Printed Sarries and a Linen ditto, of six yards each.
1 Woollen Koortah.
1 Chintz Gown.
1 Tin Plate.
1 Tin Drinking Cup.

For each Boy.

1 Woollen Trowser and one Woollen Chupkun or Coat.
1 Patna Blanket.
2 Madras Cloth and one Linen Dhootees, of three yards each.
1 Jean Jacket.
1 Ditto Trowser.
1 White Calico Cap.
1 Woollen Red „
1 Tin Plate.
1 Tin Drinking Cup.

For each Girl.

1 Patna Blanket and a Woollen Petticoat.
2 Grey Shirting Sarries and a Linen ditto, of three yards each.
1 Woollen Koortah.
1 Tin Plate.
1 Tin Drinking Cup.

Each infant is allowed one Madras Cloth Dhooty of two yards, one colored Koortah, one white Calico Cap, and one Woollen Red Cap.

MEMORANDUM.

One suit for each person to be packed for cold weather; eighteen Flannel Bandages are supplied in each Ship for the use of the Sick.

List of Clothing to be supplied to each Emigrant proceeding to Mauritius and Reunion.

For each Male.

2 Grey Shirting Dhootees, of four yards each.
1 Patna Blanket.
1 Flannel Banian.
1 Grey Shirting Jacket.
1 Chintz Cap.

For each Female.

1 Patna Blanket.
2 Grey Shirting Sarries, of six yards each.
1 Flannel Banian.

For each Boy.

1 Patna Blanket.
2 Grey Shirting Dhootees, of three yards each.
1 Flannel Banian.
1 Grey Shirting Jacket.
1 Chintz Cap.

For each Girl.

1 Patna Blanket.
2 Grey Shirting Sarries, of three yards each.
1 Flannel Banian.

For each Infant.

1 Dhooty of two yards each.

No. 3.

Proportion of Medicines necessary for a Ship carrying Emigrants from the East to the West Indies, five months' voyage.—Weights Avoirdupois.

Names of Medicines.	For 100 Persons.			For 200 Persons.			For 300 Persons.			For 350 Persons.		
	lbs.	oz.	dr.	lbs.	oz.	dr.	lbs.	oz.	dr.	lbs.	oz.	dr.
Calomel	...	3	...	...	4	..	...	6	..	...	7	...
Blue Pill	...	3	..	...	4	..	...	6	..	..	7	...
Rhubarb Powder	...	2	..	...	4	...	...	6	..	...	7	...
Compound Jalap Powder	...	4	...	...	8	..	...	12	..	...	12	...
Ipecacuanha Powder	...	12	..	1	8	...	2	4	..	2	8	...
Opium	...	4	...	...	8	...	...	12	..	...	14	...
Dover's Powder	...	2	...	...	3	...	...	4	..	...	5	...
Carbonate of Magnesia	...	2	..	..	4	...	...	6	...	...	7	...
Epsom Salts	3	...	...	6	...	...	9	..	...	10	...	...
Chloride of Lime	30	...	..	50	..	8	70	..	...	80	...	...
Tartar Emetic	...	..	4	...	..	...	...	..	12	...	..	14
Quinine	...	4	..	...	5	.	...	6	...	...	7	...
Antimonial Powder	...	...	8	...	1	...	...	1	8	...	1	12
Compound Extract of Colocynth	...	2	...	...	3	...	...	4	...	...	4	...
Carbonate of Ammonia	...	1	8	...	2	...	...	2	8	...	2	12
Camphor	...	4	...	...	6	...	...	8	..	...	9	...
Prepared Chalk	...	8	...	...	12	...	1		..	1	2	...
Tincture of Opium	...	8	..	1	...	...	1	8	...	1	12	...
Ipecacuanha Wine	...	8	...	1	...	..	1	8	...	1	12	...
Turpentine	1	...	...	1	8	...	2	...		2	4	...
Senna Leaves	...	8	...	1	...	...	1	8	...	1	12	...
Blistering Plaster	...	8	...	...	12	...	1	...	..	1	2	...
Sulphur Sublimed	1	...		1	4	..	1	8	...	1	10	...
Sulphur Ointment (simple)	.	12	...	1	4	..	1	12	..	2	...	...
Linseed Flour	4	...	...	8	...	..	12	...	..	14	...	...
Castor Oil	6 btls.	..	...	12 btls,	...	...	18 btls.	..	..	21 btls.	...	...
Oil of Peppermint	...	2	..	...	3	...	...	4	..	...	4	8
Adhesive Plaster (spread)	4 yds.	...	...	6 yds.	...	...	8 yds.	...	...	9	.	...
Simple Ointment	1	...	...	1	8	...	2	...	..	2 yds.	4	...
Ringworm Ointment*	1	...	...	1	8	...	2	...	..	2	4	...
Jeremie's Opiate	...	2	..	...	4	...	...	6	...	...	7	...
Aromatic Spirits of Ammonia	...	4	..	...	6	...	...	8	...	...	9	...
Cholera Pills in phial†	6 dozs	...	..	9 dozs.	...	...	12 dozs.	...	..	12 dozs.	...	...
Camphor Liniment (simple)	1	...	..	1	8	...	2	...	...	2	4	...
Cubeb Powder	1	...	..	1	8	...	2	...	...	2	...	...
Sweet Spirits of Nitre	...	8	...	1	...	...	1	8	...	1	12	...
Copaiba	...	8	...	1	...	...	1	8	...	1	12	..
Sulphate of Copper	...	1	..	...	2	...	...	3	...	...	3	...
Sulphate of Zinc	...	1	...	...	2	...	...	3	..	...	3	8
Lunar Caustic	...		8	...	...	12	...	1	...	—	1	8
Prepared Lint	...	8	.	...	12	..	1	...	..	1	4	...
Strongest American Sheeting for Bandages	18 yds.	..	...	24 yds.	...	..	30 yds.	...	...	30 yds.	..	...
Blistering Fluid	...	4	..	...	5	...	...	6	..	...	6	...
Grey Powder	...	2	...	...	3	..	...	4	..	...	4	...
Sulphuric Acid	...	2	...	...	3	...	...	4	...	...	4	...
Tincture of Catechu	...	8	...	1	...	...	1	8	2	1	12	...
Hydrochl. of Morphia	...	...	1	...	...	2	...	...	...	...	...	2
Chloroform	...	2	...	...	3	...	...	4	..	...	4	...
Chiretta	2	..	...	2	8	...	3	...	...	3	4	...
Friar's Balsam	...	2	...	...	3	..	..	4	...	...	4	...
Goular's Extract	...	3	...	...	6	...	...	9	..	...	10	...
Sugar of Lead	...	2	...	...	3	.	...	4	...	...	4	...
Turner's Cerate	...	8	...	1	...	...	1	8	..	1	12	...
Strong Mercurial Ointment	...	8	..	...	2	...	1	..	...	1	2	...
Alum	...	8	...	...	2	..	1	...	...	1	2	...
Olive Oil	1	...	...	1	8	...	2	...	...	2	4	...
Paregoric Elixir	...	12	...	1	8	...	2	4	...	2	8	...
Nitrate of Potass	...	4	..	...	6	...	...	8	3	...	9	...
Creosote	...	...	1	...	...	2	...	..	..	...	..	3
Gallic Acid	...	4	...	...	6	..	...	8	...	...	10	...
Tincture of Squills	1	...	...	1	8	..	2	..	...	2	8	...
Burnett's Disinfecting Fluid	10 glns.	...	..	20 glns.	...	...	30 glns.	..	...	30 glns.	...	...
Tincture of Iodine	...	2	...	...	4	...	...	6	...	...	7	...
Essence of Ginger	...	1	...	...	2	...	...	3	...	...	4	...
Sesqui-Carbonate of Soda	...	2	...	...	3	..	...	4	..	...	4	...
Compound Chalk Powder with Opium	...	4	...	...	8	...	...	12	...	...	12	...
Compound Kino Powder	...	4	...	...	8	..	...	12	...	...	12	...
Gregory's Powder	...	12	...	1	8	..	2	4	...	2	8	...
Ginger Powder	...	2	...	...	3	..	...	4	..	...	4	...
Europe Mustard	1	...	...	1	8	...	2	...	...	2	4	...
Vinegar	1	...	...	1	8	...	2	...	...	2	4	...

* ℞ Ung: Hydrarg: Nitrat. ℥ i.
Sulphur: Sublimat: ℥ ij.
Adipis: Prepar: ℥ ij.
ℳ Ft. ung.

† ℞ Hydrarg: Chlorid; gr. x.
Opii.
Camphoræ aa gr. ij.
ℳ Ft. Pil. ij.

NAMES OF MEDICINES.	For 100 Persons			For 200 Persons.			For 300 Persons.			For 350 Persons.		
	lbs.	oz	dr.	lbs.	oz.	dr.	lbs.	oz.	dr.	lbs.	oz.	dr.
Compound Rhubarb Pill	...	2	..	...	3	..	...	4	...	...	4	...
Purgative Pills*	No.	100	..	No.	150	...	No.	200	...	No.	225	..
Diarrhœa Pills†	,,	100	..	,,	150	..	,,	200	...	,,	225	...
Leeches	,,	50	...	,,	75	...	,,	100		,,	100	...
Gum Arabic (Powder)	...	6	...	...	8	...	..	10	...	...	10	...
Tartaric Acid	...	1	...	...	2	.	...	3	..	..	3	...
Croton Oil	...	...	2	...	...	3	...	...	4	...	...	4
Scammony	..	1	...	...	1	8	...	2	...	...	2	...
Sulphate of Iron	...	1	...	...	1	8	...	2	..	...	2	...
Extract of Gentian	...	1	...	...	2	...	...	3	...	...	3	...
Iodide of Potassium	...	1	...	...	2	...	...	3	...	...	3	...
MEDICAL COMFORTS (IN TIN.)												
Sago	10	...	...	20	...	...	30	.	...	35	...	...
Arrowroot	10	...	...	20	..	...	30	.	..	35	..	...
Oatmeal	10	...	..	20	...	...	30	...		35	...	...
Soojee	10		...	20	...	...	30	...	. .	35	...	...
Sugar	10	...	...	20	...	...	20	...	...	35	...	...

N. B.—The Aromatic Spirit of Ammonia, Sulphuric Acid, and Tincture of Iodine should be in glasstoppered bottles.

The quantity of each medicine supplied should be marked on the outside of the bottle or packet containing it.

INSTRUMENTS.

Sponges	oz.	4	
Case of Instruments containing Tourniquet, Artery Forceps, Dissecting Forceps, three Amputating Knives, three Scalpels, one Gum Lancet, Tooth Instruments, (viz., three pairs Forceps Elevator and Key), Trephine, Amputating Saw, Probang, Bone Forceps, Needles, Ligature Silk, Silver Catheters Nos. 9 and 2	No.	1	
Two ounce Glass Measures		2	
Minim Measures		2	
Pewter Pint (z. xx.) Measure		1	
Pestle and Mortar (Wedgewood)		1	
Scales and Weights in Box (grain)		1	set.
Common Splints		2	sets.
Tow	lbs.	2	
Spatulas		2	
Pocket Dressing Case containing Dressing Forceps, Dissecting Forceps, Tinaculum, Dressing Scissors, sharp pointed curved Bistoury, two Probes, one Director, Caustic Holder, two Bleeding Lancets, one Abscess Lancet		1	
Tin Funnels		2	
Infusion Pots		2	
Metal Bed Pans		1	for every hundred men.
Read's Enema Syringe and Stomach Pump ...		1	
Urethra Syringe		1	for every hundred men.
Pewter Enema Syringe (oz. 4)		1	
Blood Porringer (oz. 16)		1	
Country Flannel...		10	yards for every hundred men.
Country Paper		1	quire for every hundred men.
Penknife		1	
Corks		1	dozen phial, 1 dozen bottle.
Slab for Pills		1	
Pins		6	dozens.
4 Oz. Pewter Pots for administering medicine ...		6	
Iron Table Spoons		6	
Gallon block-tin Saucepan } with covers complete		1	
½ Ditto ditto ditto } with covers complete		2	
¼ Ditto ditto ditto } with covers complete		2	

We hereby certify that medicines, &c., for men, according to the above scale, have been supplied for the Ship proceeding to the West Indies.

* Purgative Pills.
℞ Ext. Colocynth Co: ℥ ss.
Pil: Rhei Co:
Pulv. Scammon: aa gr. xv.
m Ft. Pil: xij—Two or three the dose.

† Diarrhœa Pills.
℞ Cupri Sulphat. gr. xij.
Opii. gr. xij.
m Ft. Pil: xij—One thrice daily.

Proportion of Medicines necessary for a Ship carrying Emigrants to Mauritius or Bourbon.

NAMES OF MEDICINES.	For 100 Men.	For 200 Men.	For 300 Men.	For 400 Men.
Rhubarb Powder ...	One ounce ...	One half ounces ...	Two ounces ...	Two half ounces.
Dover's ditto ...	Half ounce ...	One ounce ...	One and half ounces	Two ounces.
Epsom Salts ...	Four ounces ...	Six ounces ...	Eight ounces ...	1 lb.
Carb. Magnesia ...	Half ounce ...	Half ounce ...	One ounce ...	One ounce.
Carb. Ammonia ...	Half ounce ...	Half ounce ..	Half ounce ...	Half ounce.
Senna Leaves ...	Two ounces ...	Three ounces ...	Four ounces ...	Four ounces.
Nitrate of Potass ...	One ounce ...	One ounce ...	Two ounces ...	Two ounces.
Grey Powder ...	Quarter ounce...	Quarter ounce ...	Quarter ounce ...	Quarter ounce.
Carbonate of Soda ...	One ounce ...	One ounce ...	One ounce ...	One ounce.
Purgative Pills ...	No. 50 ...	No. 50 ...	No. 50 ...	No. 100.
Calomel ...	One ounce ...	Two ounces ...	Three ounces ...	Four ounces.
Blue Pill ...	One ounce ...	Two ounces ...	Three ounces ...	Four ounces.
Compound Jalap Powder ...	Six ounces ...	Eight ounces ..	Twelve ounces ...	Sixteen ounces.
Ipecacuanha Powder ...	One ounce ...	One ounce and half	Two ounces and half	Three ounces.
Opium ...	Two ounces ...	Four ounces ...	Six ounces ...	Eight ounces.
Chloride of Lime ...	Ten pounds ...	Twenty pounds ...	Thirty pounds ...	Forty pounds.
Tartar Emetic ...	Two drachms ...	Four drachms ...	Six drachms ...	One ounce.
Quinine ...	One ounce ...	One ounce and half	Two ounces ...	Two ounces and half.
Antimonial Powder ...	Two drachms ...	Four drachms ...	Six drachms ...	One ounce.
Camphorated Liniment ...	Eight ounces ...	Twelve ounces ...	Sixteen ounces ...	Twenty ounces.
Prepared Chalk ...	Two ounces ...	Four ounces ...	Six ounces ...	Eight ounces.
Tincture of Opium ...	Four ounces ...	Eight ounces ...	Twelve ounces ...	Sixteen ounces.
Turpentine ...	Eight ounces ...	Twelve ounces ...	One Pint ...	Twenty ounces.
Sulphur Ointment ...	Six ounces ...	Eight ounces ...	Twelve ounces ...	One pound.
Linseed Flour ...	Two pounds ...	Four pounds ...	Six pounds ...	Eight pounds.
Country Soap ...	Twelve ounces...	One pound and half	Two pounds ...	Three pounds.
Castor Oil ...	Three bottles ...	Four bottles ...	Eight bottles ...	Twelve bottles.
Oil of Peppermint ...	Two drachms ...	Four drachms ...	Six drachms ...	One ounce.
Adhesive Plaster (spread) ...	One yard ...	Two yards ...	Two yards ...	Two yards.
Simple Ointment ...	Eight ounces ...	Twelve ounces ...	One pound ...	One pound and half.
Ringworm ditto ...	Eight ounces ...	Twelve ounces ...	One pound ...	One pound and qr.
Jeremie's Opiate ...	1 oz. phial ...	2 oz. phial ...	3 oz. phial ...	4 oz. phial.
Cholera Pills, in phial ...	Six dozens ...	Six dozens ...	Six dozens ...	Six dozens.
Sweet Spirit of Nitre ...	Eight ounces ...	One pound ...	One pound ...	One pound.
Sulphate of Copper ...	One ounce ...	One ounce ...	One pound ...	One ounce.
Ditto of Zinc ...	Half ounce ...	Half ounce ...	Half ounce ...	Half ounce.
Lunar Caustic ...	One drachm ...	Two drachms ...	Three drachms ...	Four drachms.
Acid Sulph. Dil ...	One ounce ...	Two ounces ...	Three ounces ...	Four ounces.
Cerat Resinæ ...	One ounce ...	Two ounces ...	Three ounces ...	Four ounces.
Chiretta ...	Five pounds ...	Ten pounds ...	Fifteen pounds ...	Twenty pounds.
Liq. Ammonia ...	Three ounces ...	Six ounces ...	Nine ounces ...	Twelve ounces.
Liquor Lyttæ ...	One ounce ...	Two ounces ...	Three ounces ...	Four ounces.
Liquor Arsenicalis ...	One ounce ...	Two ounces ...	Three ounces ...	Four ounces.
Pulmbi Diacet ...	Two ounces ...	Four ounces ...	Six ounces ...	Eight ounces.
Pulv. Kino Co. ...	Two ounces ...	Four ounces ...	Six ounces ...	Eight ounces.
Tincture of Kino ...	Two ounces ...	Four ounces ...	Six ounces ...	Eight ounces.
INSTRUMENTS.				
Glass Measure (1 qz.) ...	One ...	One ...	One ...	One.
Ditto ditto - (drop) ...	One ...	One ...	One ...	One.
Pestle & Mortar (Wedgewood)	One ...	One ...	One ...	One.
Scales and Weights (grains) ...	One set ...	One set ...	One set ...	One set.
Splints (common) ...	One set ...	One set ...	One set ...	One set.
Lint (prepared) ...	Two ounces ...	Three ounces ...	Four ounces ...	Six ounces.
Long Cloth for Bandages ...	One piece ...	Two pieces ...	Two pieces ...	Two pieces.
Lancets (bleeding) ...	One ...	One ...	Two ...	Two.
Silver Catheter (middle size)...	One ...	One ...	One ...	One.
Spatula ...	One ...	One ...	One ...	One.
Scissors, Dressing ...	One ...	One ...	One ..	One.
Infusion Pots ...	One ...	Two ...	Two ...	Two.
Bed Pans (metal) ...	Two ...	Two ...	Three ...	Three.
Country Paper ...	One quire ...	One quire ...	Two quires ...	Two quires.
Penknife ...	One ...	One ...	One ...	One.
Flannel, coarse, country ...	Two yards ...	Four yards ...	Six yards ...	Eight yards.
Pins ...	One paper ...	Two papers ..	Three papers ...	Four papers.
Pil Tile ...	One ...	One ...	One ...	One.
Fine Tow ...	One pound ...	Two pounds ...	Three pounds ...	Four pounds.
Mustard ...	One bottle ...	Two bottles ...	Three bottles ...	Four bottles.
Pewter Enema Syringe, 4 oz.	One ...	One ...	One ...	One.
Urethra Syringe ...	One ...	One ...	One ...	One.
Pocket Dressing Case ...	One ...	One ...	One ...	One.
Tin Funnel ...	One ...	One ...	One ...	One.

Medicines required for immediate use whilst proceeding down the River to be supplied from the above List.

Liq. Ammonia ...	Two ounces.		Drop Measure.
Cholera Pills, in a phial ...	Six dozens.		Scales and Weight.
Calomel ...	Half ounce.		Spatula.
Opium ...	Half ounce.		Lancet.
Quinine ...	Half ounce.		English Labels to be affixed.
Laudanum ...	Two ounces.		
Oil of Peppermint ...	One drachm.		

The following Medical comforts are also to be provided and packed in Tin Canisters.

Sugar	... 10 lbs.	per	100	adults.
Sago	... 5 lbs.	"	"	"
Arrowroot ...	... 5 lbs.	"	"	"
Soojee... ...	... 5 lbs.	"	"	"
Gallon Block-tin Saucepan	...	With covers complete	...	1
½ " " "	...			2
¼ " " "	...			2

I hereby certify that medicines, &c., for men, according to the above Scale, have been supplied for the Ship proceeding to Mauritius or Bourbon.

*Calcutta,*_____

No. 4.

Report of the quantity of Provisions and Water for weeks on board the Ship , Captain for Emigrants proceeding to

Articles.	Quantity.					No.	REMARKS.
			Mds.	S.	C.		
							Here state the description and quantity of stores taken on board for the Crew.
							Here state the number of gallons of water for the Officers and Crew.

I hereby certify that the quantity of provisions and water above enumerated for the use of Native Emigrants is actually on board the under my command, and that the same is of quality equal to the musters furnished by me to the Protector of Emigrants' Office.

CALCUTTA,
The of 186 . } *Commander.*

No. 5.

Ship

River Hooghly

The

Certified that I have examined the provisions and water on board this Ship, and found the former wholesome and the latter sweet.

I also certify that the cabooses, cooking pots, and water closets are properly fitted up, and that the Ship is white-washed between-decks; that she has on board two copies of the Emigration Act, a copy of Piddington's Work on the Law of Storms, and the Medical Instructions supplied by the Emigration Agent; has no vicious dogs or wild animals on board, and she has a platform over the Long Boat; that her upper decks are clear for Sea; and that she is in a proper state to receive Emigrants on board.

Protector of Emigrants.

No. 6.

ORIGINAL

Statement of the Crew and Passengers (Natives of India) proceeding in the bound to

NATIVE CREW.	Numbers.
Serangs, Lascars, &c. -	
Commander and Officers' Servants . -	
Passengers' Servants -	

Native Passengers.

Names.	Age.	Caste.	Occupation.
This should merely contain the number of persons of each sex embarked as			
Men, Women, Children above 10 years of age.			

Commander.

Calcutta,
The } *Protector of Emigrants.*

MEMORANDUM.

Under the orders of Government, the Officer in pilotage charge of the is to receive this document from the Preventive Officer on the latter quitting the Ship, and should any attempt be made to take on board Natives of India not included in this Statement, the Vessel is to be stopped, and the circumstance reported, document is to be returned to

Protector of Emigrants.

No. 7.

Surgeon's Mortality Register.

Ship Number.	Age.	Sex.	Disease.	Date of Decease.	REMARKS.

No. 8.

General Register of Emigrants embarked on the Ship for

Ship No.	Name.	Age.	Father's name and occupation.	Sex.	Village.	Pergunnah.	Zillah.	State of health on embarkation.	State of health on arrival at destination.	REMARKS.

No. 9.

SURGEON'S GENERAL REGISTER OF SICK.

Date. *Latitude.* *Longitude.*

Ship Number.	Sex.	Disease.	General Treatment.	RESULT.

Each day should have a page or more if necessary. The Latitude and Longitude to be entered from the observation at noon.

The record of general treatment to be of the briefest description, *e. g.*,—

Ship Number.	Sex.	Disease.	General Treatment.	RESULT.
195	Male ...	Chronic Dysentery ...	Acit P. B. O. Opium ...	Improvement.

Should death occur the time of decease should be mentioned—as died at 3 P. M.

No. 10.

*Surgeon Superintendent's Report of the Medical History of the Voyage of the Ship*_____ *commanded by*_____ *carrying Coolie Emigrants from Calcutta to*

*Date of Embarkation*_____

Emigrants	Men.	Women	Children.		Infants.		Total No. of Souls
			Male.	Female.	Male.	Female.	
Embarked ...							
Born on the Voyage ...							
Died on the Voyage ...							
Causes of Death.							
Cholera ...							
Diarrhœa ...							
Dysentery ...							
Chest Affections ...							
Fevers ...							
Accidents ...							
Other Diseases ...							
Total ...							

	The Sand-heads.	The Equator.	The Tropic.	The Cape of Good Hope.	The Tropic.	The Equator.	Port
Dates of arrival at ...							

Abstract of the condition of the Emigrants on arrival at the Colony.

Emigrants	Men	Women.	Children.		Infants.		Total No of Souls.
			Male.	Female.	Male.	Female.	
Landed in Health ...							
Convalescent ...							
Sent to Hospital ...							
Total ..							

Weekly Abstract of admissions to the Sick List and of deaths during the Voyage.

Diseases.	1st Week.		2nd Week.		3rd Week.		4th Week.		5th Week.		6th Week.		7th Week.		8th Week.		9th Week.		10th Week.		11th Week.		12th Week.		13th Week.		14th Week.		15th Week.		16th Week.		17th Week.		18th Week.		19th Week.	
	Ad.	D.	Ad.	D.	Ad.	D.	Ad.	D.	Ad.	D.	Ad.	D.	Ad.	D.	Ad.	D.	Ad.	D.	Ad.	D.	Ad.	D.	Ad.	D.	Ad.	D.	Ad.	D.	Ad.	D.	Ad.	D.	Ad.	D.	Ad.	D.	Ad.	D.
Cholera - - - - -																																						
Diarrhœa - - - - -																																						
Dysentery - - - - -																																						
Chest Affections - - - -																																						
Fevers - - - - -																																						
Accidents - - - - -																																						
Other Diseases - - - - -																																						
Total - -																																						

Observations of Temperature in the Between-Decks.

Date.	At 7 A. M.			Direction of wind aft or ahead.	Direction of Cowl Heads to leeward or windward.	At 1 P. M.			Direction of wind aft or ahead.	Direction of Cowl Heads to leeward or windward.	At 8 P. M.			Direction of wind aft or ahead.	Direction of Cowl Heads to leeward or windward.
	Aft.	Midships.	Forward.			Aft.	Midships.	Forward.			Aft.	Midships.	Forward.		

GENERAL REMARKS ON

1. The Provisions and Water.

2. The working of the Distilling Apparatus.

3. The Medicines and Medical Comforts.

4. The Ship and her ventilation.

5. The conduct of the Officers.

6. The conduct of the Interpreters, Sirdars, Topases, &c.

7. The clothing of the Emigrants.

8. The means used for insuring cleanliness.

9. The employment of Disinfectants.

10. General observations and suggestions.

Surgeon Superintendent of the

*Ship*_____

Number of previous voyages with European Emigrants_____

Ditto ditto with Coolies_____

E. C. BAYLEY,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

MILITARY.

No. 141.

Fort William, the 28th March 1865.

The following order issued by the Officer Commanding Central India Horse, dated 3rd instant, is confirmed by the Governor General in Council :—

"Captain F. P. Luard, Officiating 2nd Squadron Officer, 1st Corps, to officiate as 2nd in Command of that Corps, in addition to his other duties, pending the return of Captain C. James from sick leave, or till further orders."

POLITICAL.

No. 284.

The 31st March 1865.

Erratum.—In G. O. No. 224, dated 13th instant, for "7th March," read "8th March."

GENERAL.

No. 731.

The 28th March 1865.

Lieutenants D. W. Laughton and A. G. W. Hemans appointed in G. O. No. 606, dated 16th instant, to be Assistant Commissioners, 3rd Class, in the Berars, joined their appointments respectively on the 16th January and 1st February 1865.

No. 733.

Captain C. Martin, 2nd in Command, 2nd Corps, Central India Horse, received charge of the Office of Political Assistant at Goona, from Colonel H. D. Daly, C. B., on the forenoon of the 1st instant.

Colonel H. D. Daly, C. B., assumed charge of the Office of Political Assistant in Western Malwa, on the afternoon of the 3rd idem, from Lieutenant E. R. C. Bradford.

No. 747.

The 30th March 1865.

Lieutenant W. Tweedie, Officiating 2nd Assistant to the Resident at Hyderabad, has passed an examination in Persian under the provisions of G. G. O. No. 734, dated 9th September 1864.

No. 748.

Lieutenant W. Tweedie, appointed in G. O. No. 619, dated 16th instant, to officiate as 2nd Assistant to the Resident at Hyderabad, assumed charge of his duties on the forenoon of the 9th idem.

No. 755.

The 31st March 1865.

Mr. W. B. Jones, C. S., is appointed to be Deputy Commissioner of the Wurdah District, in the Central Provinces.

Lieutenant A. Bloomfield, Assistant Commissioner, Central Provinces, is appointed to officiate as Deputy Commissioner of the Wurdah District, as a temporary arrangement.

A. COLVIN,

Offg. Under Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

No. 1765.

Fort William, the 29th March 1865.

The following correspondence is published for general information :—

From E. H. LUSHINGTON, ESQ., *Secy. to Govt. of India, Finl. Dept., to Secy. to Govt. of Fort St. George,—(No.* 3609, *dated* 30*th November* 1864.)

I am directed to acknowledge the receipt of your letter No. 1970 of the 25th October 1864, from the enclosures of which it appears that a retrenchment made by the Civil Pay Master, Madras, on account of the pay of the Serishtadar of the Dindigul Talook in Madras, who was allowed privilege leave for three months, of which only two months' leave had been earned before the promulgation of the new rules for the grant of leave of absence to Uncovenanted Servants, was remitted by the Government of Madras, firstly, because the Resolution No. 3478, passed in this Department on the 31st July 1863, intended to allow Uncovenanted Officers who had already earned accumulated privilege leave under the old rules, to "retain that leave, *plus* whatever they could earn under the new, provided the aggregate does not exceed the maximum period of three months;" and, secondly, because the Leave Rules do not apply to servants on less than Rupees 100 per mensem.

2. In reply I am desired to forward a copy of a letter No. 343, dated the 24th May 1864, to the address of the Secretary to the Government of Bombay, from which it will be seen that the Madras Government has not correctly interpreted the Resolution of the 31st July 1863, and to draw attention to the orders noted in the margin, declaring that the spirit of the new Leave Rules should be observed in the cases of Uncovenanted Servants on less than Rupees 100 per mensem. The remission, however, of the retrenchment against the Serishtadar of the Dindigul Talook is confirmed, as a special case.

Letter to the Civil Pay Master, Madras, No. 3654 of the 10th August 1863, communicated by Endorsement to the Government of Madras.

From J. D. SIM, ESQ., *Secy. to Govt. of Fort St. George, to Secy. to Govt. of India, Finl. Dept.—(No.* 396—437, *dated* 23*rd February* 1865.)

I am directed to request that His Excellency the Governor in Council may be informed of the precise meaning of the ruling conveyed in paragraph 2 of your letter to my address, dated 30th November last, No. 3609, viz., that "the *spirit* of the new Leave Rules should be observed in the cases of Uncovenanted Servants on less than Rupees 100 per mensem."

2. In the instance which led to the above ruling, this Government, in dealing with a case of special hardship, remarked that the Leave Rules do not apply *with the same strictness* to Officers drawing less than Rupees 100 per mensem as to those drawing that sum or more. From your reply above quoted, it would, however, seem that the rules apply with at least equal strictness to all Uncovenanted Officers.

3. Another case has now occurred in which a Clerk on 25 Rupees per mensem who obtained private leave in February 1859, was granted similar leave in March 1864. A moiety of his pay

during the latter leave is available, but the Civil Pay Master objects to its disbursement, because, under the rules, a second leave on private affairs cannot be taken by a servant drawing 100 Rupees and upwards until the expiration of six years.

4. The Civil Pay Master, if correct, in fact applies the *letter* of the rules to these officers, whereas the ruling of the Supreme Government seems to imply that it is not the *letter* but the *spirit* of the rules which is applicable. The Governor in Council would be glad, under these circumstances, of a fuller expression of the wishes of the Supreme Government for his guidance.

From E. H. LUSHINGTON, ESQ., *Secy. to Govt. of India, Finl. Dept., to Chief Secy. to Govt. of Madras,—(No.* 1666, *dated* 28*th March* 1865.*)*

In reply to your letter No. 396, dated the 23rd February 1865, I am desired to inform you that the spirit in which the Rules for leave of absence to Uncovenanted Servants should be applied to servants drawing less than Rupees 100 monthly, is explained in my letter to the Civil Pay Master, Madras, No. 3654, dated 10th August 1863, a copy of which was duly communicated to you.

2. With reference to the inquiry whether the Leave Rules should be applied *with the same strictness* to servants on less than Rupees 100 a month as to those drawing that sum and more, I am to state that Local Governments may, at their discretion, grant other than privilege leave, to the former class of servants, in excess of the periods prescribed for servants on Rupees 100 and upwards, seeing that such leave will not count for pension.

E. H. LUSHINGTON,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 27*th March* 1865.

No. 318 *of* 1865.—The following Royal Warrant of 7th January 1865 is published for general information, and under the authority of the Right Hon'ble the Secretary of State for India, the same is declared applicable to India, with effect from the 1st January 1865 :—

Circular No. 893.—*(Pay of Regimental Sergeant Majors.)*

30
Genl. No.
721

HOME AND FOREIGN.

Victoria R.

Whereas it has been represented to Us, that it is expedient to improve the position of Regimental Sergeant Majors of Regiments and Battalions of Our Infantry of the Line, Our Will and Pleasure is that the pay of such Sergeant Majors shall, from the first day of January 1865, be raised from three shillings and two pence to three shillings and four pence a day.

Given at Our Court at St. James's, this 7th day of January 1865, in the Twenty-eighth year of Our Reign.

By Her Majesty's Command,
(Sd.) DEGREY AND RIPON.

The 28*th March* 1865.

No. 319 *of* 1865.—Major J. Shand, of the late 51st Regiment Madras Native Infantry, is permitted, at his own request, to resign his appointment of Doing-duty Officer in the 1st Infantry Hyderabad Contingent, and his services are accordingly placed at the disposal of the Government of Fort St. George.

No. 320 *of* 1865.—His Excellency the Governor General in Council is pleased to make the following appointments :—

HYDERABAD CONTINGENT.

1st Infantry.

Lieutenant E. W. Shaw, Paid Doing-duty Officer and Officiating Adjutant, 5th Infantry, to be Paid Doing-duty Officer, vice Major Shand, resigned.

5th Infantry.

Captain A. Drury, Officiating Doing-duty Officer, 4th Infantry, to be paid Doing-duty Officer, vice Lieutenant Shaw, transferred to the 1st Infantry, but to continue to do duty with the 4th Infantry, until further orders.

3rd Infantry.

Lieutenant A. F. Dobbs, Officiating Doing-duty Officer, to be Paid Doing-duty Officer, vice Lieutenant Barnett, who vacates the appointment, having obtained an extension of leave beyond the prescribed period.

No. 321 *of* 1865.—The services of the undermentioned Medical Officers are placed temporarily at the disposal of the Government of Bengal, with effect from the 3rd January last :—

Surgeon J. C. Bow, M. D., Garrison Surgeon of Chunar.

Assistant Surgeon B. W. Switzer, F. R. C. S. I.

No. 322 *of* 1865.—The under-mentioned Officers are permitted to proceed to Europe on leave of absence on sick certificate :—

Major George Weld, of the Bengal Staff Corps, Fort Adjutant, Chunar.	For 20 months.
Captain Henry Dyke Marsh, of Her Majesty's 82nd Foot, Brigade Major, Umballa.	For 20 months, under the new Regulations.

No. 323 *of* 1865.—The following orders issued by the Resident at Hyderabad are confirmed :—

No. 43, *dated* 8*th March* 1865.—Granting Lieutenant R. F. Doig, Paid Doing-duty Officer, 2nd Infantry Hyderabad Contingent, two months' leave of absence on urgent private affairs, in continuation of the privilege leave allowed him.

No. 44, *dated* 11*th March* 1865.—The services of Lieutenant W. Tweedie, Adjutant, 1st Cavalry Hyderabad Contingent, are made available for Civil duty in the Hyderabad Residency from the 8th instant.

No. 324 *of* 1865.—The following Military letter from the Right Hon'ble the Secretary of State for India, No. 27, dated 9th February 1865, and

the War Office Circular therein referred to, are published for general information and guidance, and the provisions of the Circular are declared applicable to India.

2. His Excellency the Commander-in-Chief in India is requested to issue the necessary orders for carrying out the instructions contained in Sir C. Wood's letter.

MILITARY. INDIA OFFICE,

No. 27. *London, 9th February* 1865.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,—Having been informed by the Secretary of State for War that, in consequence of Officers Commanding British Regiments in India not complying with the provisions of the War Office Circular No. 720 of 1861 (sent out in my Despatch No. 458 of 1861), errors have arisen, and are likely again to occur, in the settlement of the clothing compensation claims of men who arrive in this country from India.

2. I have to request that you will cause the provisions of the Circular in question to be made applicable to India, and to give instructions to Officers Commanding British Regiments serving in India that all compensation in lieu of clothing (including the extra articles) should be paid at the Regiment to the end of the month preceding the date of the men leaving it, and to no later date; that no compensation should be drawn in India for remittance to the men in this country for any time subsequent to that date, the Paymasters in England being authorized by the Circular to pay it; and further, that if any double payment should arise from inattention to this Regulation, the Officer signing the Return will be held responsible.

3. In order also to prevent the delay which occurs in the issue of such compensation to the legal representatives of a deceased Soldier, and to save much correspondence, directions should be given that when a Soldier dies in India, the clothing compensation due to him to the date of his death should be credited by the Regiment with his other effects in the Casualty Return, and that it should be stated on the Return that such is the case.

I have, &c.,

(Sd.) C. WOOD.

Circular No. 720.

HOME AND FOREIGN.

51.
Genl. No.
2330.

WAR OFFICE,

16th October, 1861.

SECRETARY SIR GEORGE LEWIS having had under consideration the system at present pursued in the settlement of claims of discharged men for compensation in lieu of clothing, has decided that all such claims shall in future be adjusted prior to the men receiving their discharge, either at the Depôts of their Regiments or at the Invalid Depôt.

Officers Commanding Regiments and Corps at Home, Abroad, and in India, have been accordingly directed to send home, with the other documents which are required to accompany a soldier transferred to another corps, or to the Invalid Depôt, a Return, (W. O. F. 32,) a copy of which is annexed, carefully filled up and certified by them.

Upon receipt of this document, Paymasters are authorized to act upon the information therein given, and to settle each man's claim for compensation up to the day of his discharge, without special reference to this Office, as heretofore, and should any man on arrival be transfered to another Regiment or Depôt for discharge or otherwise, an extract of the Return alluded to, showing the state of his clothing accounts, should be invariably sent with him.

The amount paid should be charged in the Paymaster's accounts, under Vote 9, Item 46, supported by the Return and the receipt of the man to whom compensation has been paid.

B. HAWES.

_____ *Regiment of* _____ (W.O.F. 32.)

RETURN of Men proceeding from _____ to the _____ shewing the Articles of Clothing issued to _____ or the amount of compensation paid in lieu thereof for the year 18

(Station) _____ day of _____ 18

Regimental No.	Rank and Name.		Articles of Clothing issued for the year 18							Compensation paid in lieu of clothing.	Date to which Clothing has been issued or compensation paid.	Signature of the Soldier.
			Chaco.	Tunics.	Trows.	Boots.						

MEMORANDUM:—

Officers Commanding will be careful to render this Return with all men transferred to other Corps, to the Invalid Depôt, or to or from the Depôts.

_____

Quarter Master.

_____

Commanding *Regiment of*

No. 325 *of* 1865.—*Erratum.*—In Government General Order No. 274 of the 16th March 1865, for Sergeant John "Fitzgerald" read Sergeant John "*Fitzpatrick.*" Order Books to be corrected accordingly.

No. 326 *of* 1865.—The under-mentioned Officers are permitted to proceed to Europe on leave of absence on sick certificate :—

Lieutenant Colonel Thomas Fourness Wilson, C. B., of the Bengal Staff Corps, Commandant, 7th Bengal Cavalry	For 20 months.
Lieutenant (Brevet Captain) George Vincent Fosbery, of the late 4th European Regiment, Adjutant, Calcutta Volunteer Rifle Corps	For 20 months, under the old Regulations.

No. 327 *of* 1865.—Captain J. Sykes, of the Bengal Staff Corps, Sub-Assistant Commissary General and Officiating Deputy Assistant Commissary General, is allowed leave of absence for one month, from such date as he may avail himself of it, to visit the Presidency, preparatory to applying for leave of absence on medical certificate to Europe.

No. 328 *of* 1865.—The following promotions are made in the under-mentioned Corps of the Native Army :—

Corps.	Rank and Names.	To what Rank promoted.	From what date.	In whose room.
8th Regiment Bengal Cavalry.	Naib Ressaldar and Woordie Major. Gyahzoodeen Khan.	Ressaidar	18th February 1865.	Shaick Imtiaz Ally, discharged with gratuity.
Ditto ...	Naib Ressaldar Ally Mahomed Khan.	Ditto ...	Ditto ...	Gyazoodeen Khan, non-effective, as Woordie Major.

No. 329 *of* 1865.—His Excellency the Governor General in Council is pleased to make the following appointments :—

PUNJAB IRREGULAR FORCE.

Peshawur Mountain Train Battery.

Lieutenant A. Conolly, Doing-duty Officer, No. 2 Light Field Battery, to be Doing-duty Officer, vice Lieutenant Pemberton, appointed Aide-de-Camp on the personal Staff of the Hon'ble the Lieutenant Governor of the Punjab.

No. 2 Light Field Battery.

Lieutenant V. Rivaz, Officiating Doing-duty Officer, No. 1 Light Field Battery, to be Doing-duty Officer, vice Lieutenant Conolly.

The 29th March 1865.

No. 330 *of* 1865.—The under-mentioned Officers are admitted to the Bengal Staff Corps with effect from the dates specified opposite to their respective names, subject to the confirmation of the Right Hon'ble the Secretary of State for India :—

Lieutenant William Saurin Brooke, of the late 2nd Regiment Native Infantry, Assistant Commissioner, Boorhanpore, Central Provinces.	22nd January 1863.
Lieutenant Alfred Frederick Pollock Harcourt, of the late 30th Regiment Native Infantry, Assistant Commissioner, Punjab.	28th March 1862.
Lieutenant William George Cubitt, V. C., of the late 13th Regiment Native Infantry, Adjutant and Officiating Wing Officer, 16th Regiment Native Infantry.	[illegible]
Lieutenant Benjamin Jerrard Parsons, of the late 23rd Regiment Native Infantry, Assistant Engineer, Meerut Division Ganges Canal, Department of Public Works.	10th January 1863.

No. 331 *of* 1865.—His Excellency the Governor General in Council is pleased to admit the under-mentioned men to the 3rd Class of the Order of Merit, in consideration of their conspicuous gallantry in the field on the occasion of the capture of the Stockades in the Gooroogaon Pass on the Bhootan Frontier on the 14th March 1865 :—

Havildar Indur, of the 29th (Punjab) Regiment Native Infantry.

Sepoy Mogul Khan, of the 12th (The Kelat-i-Ghilzie) Regiment Native Infantry.

The 30th March 1865.

No. 332 *of* 1865.—The following alterations in Government General Order No. 773 of the 22nd September 1864, laying down rules under which

Officers are allowed to travel at the public expense, are notified for general information :—

In paragraph 1 the words "*otherwise than by sea*" are to be inserted after the words "proceeding on public duty."

The following will be substituted for the 5th and 6th paragraphs of the General Order above adverted to.

5. When a Commissioned or Warrant Officer is ordered to travel on public duty under any of the above conditions, he must apply to the Divisional Officer of the Quarter Master General's Department, or, if time does not admit of a reference to the Head Quarters of the Division, to the Brigade or Station Staff Officer on the spot, who will furnish him with either a Railway Pass, or Passage Order by any vessel or conveyance by which free or contract passages can be provided, on which pass or order is to be entered a copy of the General, Divisional, or Garrison Order referred to in paragraph 2.

When no Railway Pass or Passage Order can be provided, a certificate to that effect is to be given to the Officer.

6. The charge for conveyance supplied on a Government Pass or Passage Order will be adjusted as heretofore; the Officer's certificate that the passage was provided, and, in the case of vessels, that he was messed on board from, and to such a date, being the only other voucher required. Bills for other passages, vouched by the same certificates and by a certified copy of the order to proceed at the public expense, will be payable on demand to the person supplying the passage by the nearest Pay Master; or, if the Officer has to pay for his passage, he can recover the amount in the usual way.

---

f 1865.—The following temporary *e* made in the Warrant grades :—

y Commissariat Department.

Sub-Conductor Patrick Carr to act as Conductor -	From the 9th March 1865, during the absence, on sick leave to Europe, of Conductor A. Simmons, or until further orders.
Sergeant Charles Simmons to act as Sub-Conductor -	

No. 334 *of* 1865.—Subadar Major Huskeljee, of the 12th Regiment Bombay Native Infantry, is admitted to the 2nd Class of the Order of British India, with the title of "Bahadoor," with effect from the 16th February 1865, in succession to Pensioned Subadar Major Sumsenjee Israel "Bahadoor," deceased.

No. 335 *of* 1865.—The services of Honorary Assistant Surgeon F. H. A. Leach are placed temporarily at the disposal of the Government of the North-Western Provinces.

No. 336 *of* 1865.—The under-mentioned Officer having completed twenty-six years' service, eight years of which were on permanent staff employ, to be Lieutenant Colonel, from the date specified opposite to his name, under the Royal Warrant of the 16th January 1861, subject to Her Majesty's approval :—

Bengal Staff Corps.

Major W. Fullerton ... 26th March 1865.

No. 337 *of* 1865.—The under-mentioned Officer having completed twelve years' service, four years of which were on permanent staff employ, to be Captain, from the date specified opposite to his name, under the Royal Warrant of the 16th January 1861, subject to Her Majesty's approval :—

Bengal Staff Corps.

Lieutenant (Brevet Captain) G. B. C. Simpson.	19th February 1865.

The 31st March 1865.

No. 338 *of* 1865.—The under-mentioned Officers are permitted to proceed to Europe on leave of absence on sick certificate :—

Captain Welby Wroughton Bodlam, of the Bengal Staff Corps, District Superintendent of Police, Punjab.	For 20 months.
Surgeon Major Samuel Adamson Homan, of the Medical Department.	For 20 months, under the old Regulations.

No. 339 *of* 1865.—The under-mentioned Officer is permitted to proceed to Europe on furlough on private affairs :—

Surgeon Charles Thomas Paske, of the Medical Department.	For 3 years, under the old Regulations.

No. 340 *of* 1865.—The under-mentioned Soldier is admitted to pension as specified opposite to his name :—

Private Mathew Cochrane, of the Lahore Light Horse.	Rs. 14-14-6 per mensem, payable in India.

No. 341 *of* 1865. Major C. H. Byers, of the Bengal Staff Corps, 2nd in Command, and Wing Officer of the 3rd Regiment Native Infantry, is allowed leave of absence from the 11th March 1865 to date of embarkation, to visit Bombay, preparatory to applying for furlough to Europe on medical certificate.

No. 342 *of* 1865.—The services of Major C. E. Mills, of the late 28th Regiment Native Infantry, are made available for employment under the Military Department.

He will receive his instructions from the Secretary in that Department.

No. 343 *of* 1865.—His Excellency the Governor General in Council is pleased to notify, with the

sanction of the Right Hon'ble the Secretary of State for India, that the period during which European and East Indian widows of Non-Commissioned Officers and Soldiers are permitted to continue to draw subsistence allowance after their husband's demise, is extended from six to twelve months, unless they re-marry or leave India prior to the expiration of that term, when the allowance will cease from such earlier periods.

Full rations will also be issued to the widows for the periods during which they are entitled to draw subsistence allowance under the above rule, and half rations to their children for the same periods, in addition to the usual subsistence allowance.

No. 344 *of* 1865.—The undermentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate :—

Major Thomas Hardy Chamberlain, of the Bengal Staff Corps, City Magistrate, Lucknow ..	For 20 months.

H. W. NORMAN, *Colonel,*

Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

ESTABLISHMENT.

No. 109.

Fort William, the 25*th March* 1865.

NOTIFICATIONS.

It is hereby notified that the 3rd Division Great Northern Road, in the Central Provinces, is abolished, and a new Division, to be called the Nerbudda Division, is constituted. The Nerbudda Division will form a portion of the Nagpoor Circle.

Captain A. G. Priestley, S. C., is appointed Executive Engineer of the Nerbudda Division.

No. 110.

The 27*th March* 1865.

Mr. W. McCracken, Accountant, 4th Grade, Mysore, was granted one month's privilege leave, with effect from the 13th March 1865.

No. 111.

The 28*th March* 1865.

Major John Chadwick Dickson, of the late 33rd N. I., is re-appointed temporarily to the Public Works Department as an Executive Engineer of the 4th Class, and posted to Bengal.

No. 112.

The arrangement notified in Public Works Department Notification No. 30 of 1865, whereby Captain W. S. Oliphant, R. E., Assistant to Chief Engineer and Assistant Secretary to Chief Commissioner, British Burmah, is officiating temporarily as Chief Engineer, 3rd Class, and Secretary to the Chief Commissioner, is confirmed as permanent during the absence on leave of Captain C. D. Newmarch, R. E., or until further orders.

No. 113.

Captain L. Russell, R. E., Executive Engineer, 1st Class, North-Western Provinces, is appointed to officiate as Superintending Engineer, 2nd Class, and posted to Bengal, vice Colonel Maxwell, appointed Chief Engineer and Secretary to Chief Commissioner, Central Provinces.

No. 114.

Mr. A. C. Cregeen, Assistant Engineer, 1st Grade, Punjab, passed the examination in Hindoostanee on the 26th January 1865.

No. 115.

Major R. H. Sankey, R. E., Executive Engineer, 1st Class, and Assistant to Chief Engineer, Mysore, is allowed three months' privilege leave from the 24th March 1865.

No. 116.

Bepin Beharry Sett, Overseer, 3rd Grade, Oudh, is transferred to the North-Western Provinces.

No. 117.

Captain A. S. Griffiths, Bombay Staff Corps, Probationary Assistant Engineer, Rajpootana Circle, is promoted to Assistant Engineer, 2nd Grade, with effect from the 18th January 1865.

No. 118.

The 29*th March* 1865.

The under-mentioned Upper Subordinates are transferred from the North-Western Provinces to Mysore :—

Sergeant J. Brown, Supervisor, 2nd Grade.
" W. Lennox, Overseer, 1st "

No. 119.

Sergeant C. Lyons, Overseer, 1st Grade, is transferred from the North-Western Provinces to the Rajpootana Circle.

No. 120.

The under-mentioned 2nd Class Superintending Engineers are appointed to officiate as Superintending Engineers of the 1st Class :—

Major H. W. Gulliver, R. E., Superintending Engineer, Western Circle of Irrigation Works, Punjab.

Major J. G. R. Forlong, M. S. C., Superintending Engineer, 3rd Circle, North Western Provinces.

Captain F. W. Peile, R. E., Superintending Engineer, 1st Circle, North-Western Provinces.

Captain C. Pollard, R. E., Superintending Engineer, Rajpootana Circle.

Mr. T. W. Armstrong, C. E., Superintending Engineer, Cuttack Circle.

No. 121.

Mr. G. Kilgour, Assistant Engineer, 1st Grade, Punjab, having been permitted by the Secretary of State to resign his appointment in the Public Works Department, is struck off the strength of the Public Works Establishment from the 9th February 1865.

No. 122.

Errata.—In Public Works Notification No. 100 of the 22nd March, for "Punjab" substitute *North-Western Provinces*; and in Notification No 104 of the 23rd March 1865, expunge the words "on furlough."

No. 123.

The 30th March 1865.

Major H. A. Brownlow, R. E., Executive Engineer, 1st grade, North-Western Provinces (lately rejoined from furlough) is promoted to be Superintending Engineer, 2nd Class, and posted to the North-Western Provinces for employment in the Irrigation Department.

No. 124.

Lieutenant W. Shepherd, R. E., Assistant Engineer, 2nd grade, is transferred from the North-Western Provinces to the Punjab.

No. 125.

Mr. H. Adams, Assistant Engineer, 2nd grade, Oudh, passed the examination in Hindoostani on the 9th January 1865.

C. H. DICKENS, *Lieut. Col.*, R. A.,
Secy. to the Govt. of India.

RAILWAY.

No. 1.

The 31st March 1865.

The Governor General in Council is pleased to appoint the Deputy Commissioners of Lucknow and Oonao within their respective jurisdictions, and the Chief Engineer in Oudh, to be Commissioners for the purposes specified in Section 23 of Act XXII of 1863, in regard to the Indian Branch Railway between Lucknow and Cawnpore.

E. C. S. WILLIAMS, *Captain*, R. E.
Under Secy. to the Govt. of India.

ADVERTISEMENTS.

THE BUDGET.

SIR CHARLES TREVELYAN'S FINANCIAL STATEMENT, to be delivered this morning. Copies will be ready at one o'clock at the Military Orphan Press. Price 8 annas.

NOTICE.

Mr. W. C. Stewart having obtained an order of the Court for the withdrawal of his petition of Insolvency, I have no further claim against his Estate.

JOHN COCHRANE,
Official Assignee.

CALCUTTA,
The 11th March 1865.

NOTICE.

The undersigned having arranged with his creditors, has, with the permission of the Court, withdrawn his petition of Insolvency.

WM. C. STEWART.

CALCUTTA,
14th March 1865.

PRELIMINARY ANNOUNCEMENT.

IMPORTANT INDIGO FACTORIES FOR SALE.

To be sold by Public Auction on or about the 20th instant (unless previously disposed of by private contract)—

By order of the Mortgagees,

The well-known Indigo Factories called the Allumchund Concern, at Allahabad, with valuable Talook property attached thereto and Koontee crop now in the ground;

also

The Koorsun Factory, Allahabad, with Koontee crop, both lately the property of N. Flouest, Esq., deceased. Further particulars and conditions of sale will be published, and in the mean while applications to be made to Messrs. W. Moran and Co., Old Mint Mart, Calcutta, and Messrs. Barrow, Sen, and Watson, Old Post Office Street, Calcutta.

LOST OR STOLEN.

Lost or stolen at Lucknow during the mutiny,

A Government Paper No. 164 of the 3½ per cent. loan of 1853-54, for Rupees 600, the property of the undersigned, which has been stopped at the Calcutta Treasury.

Notice is hereby given that the undersigned has not endorsed or transferred it.

LUCKNOW,
1st March 1865.

SOLEMAN MIRZAH,
alias SAIFOOD DOWLAH.

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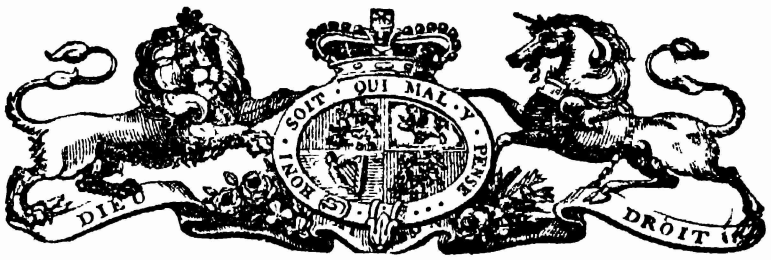
	4 per cent. of 1824-25.	4 per cent. of 1828-29.	4 per cent. of 1832-33.	4 per cent. of 1835-36.	4 per cent. of 1842-43.	4 per cent. of 1854-55.	5 per cent. Public Works of 1854-55.	5 per cent. of 1856-57.	5½ per cent. of 1859-60.	3½ per cent. of 1853-54.	4½ per cent. of 1856-57.	Total Rs.
Amount brought forward from Statment dated 9th March 1865 ...	53,000	300	25,59,500	22,99,500	95,85,700	65,89,700	32,51,800	4,80,27,300	2,41,28,500	17,600	16,000	9,65,25,900
ADD—												
Amount enfaced at Madras, as per Registers received up to date...	...	...	...	...	21,300	54,400	6,300	...	...	...	...	82,000
Amount enfaced at Bombay, as per ditto ditto ditto ...	...	...	...	7,500	13,000	27,000	51,600	1,81,900	2,20,100	...	...	5,01,100
Amount enfaced at Calcutta up to date	...	...	...	5,000	1,500	...	3,500	73,900	35,500	...	...	1,19,400
Total ...	53,000	300	25,59,500	23,12,000	96,18,500	66,71,100	33,13,200	4,82,83,100	2,43,84,100	17,600	16,000	9,72,28,400
DEDUCT—												
Amount removed from the London Books, as per Registers received up to date ...	...	...	4,500	...	...	4,500	...	16,000	5,500	...	...	30,500
Total ...	53,000	300	25,55,000	23,12,000	96,18,500	66,66,600	33,13,200	4,82,67,100	2,43,78,600	17,600	16,000	9,71,97,900

FORT WILLIAM;
LOAN OFFICE,
The 27th March 1865.

R. P. HARRISON,
Acctt. Genl. to the Govt. of India.

Printed and Published for the Government of India, by O. T. CUTTER, *at the Military Orphan Press.*

No. 14.



The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, APRIL 8, 1865.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 15th March 1865, and is hereby promulgated for general information:—

Act No. XII of 1865.

An Act to amend the Law relating to the custody of prisoners within the local limits of the original jurisdiction of Her Majesty's High Court of Judicature at Fort William in Bengal.

Preamble.

Whereas it is expedient that, within the local limits of the original jurisdiction of Her Majesty's High Court of Judicature at Fort William in Bengal, persons should, for the purpose of being received and detained in prison, be committed to the custody of an Officer appointed by the Government of Bengal, instead of to the custody of the Sheriff of Calcutta; It is enacted as follows:—

1. In this Act:—

"High Court." "High Court" denotes Her Majesty's High Court of Judicature at Fort William in Bengal.

"Magistrate." "Magistrate" includes a Magistrate of Police appointed under Act XIII of 1856 (*for regulating the Police of the Towns of Calcutta, Madras and Bombay, and the several Stations of the Settlement of Prince of Wales' Island, Singapore and Malacca*).

Enactments repealed.

2. The forty-seventh, forty-eighth, forty-ninth, fiftieth, fifty-first and fifty-second Sections of Act XVIII of 1862 (*to repeal Act XVI of 1852 in those parts of British India in which the Indian Penal Code is in force, and to re-enact some of the provisions thereof, with amendments, and further to improve the administration of Criminal Justice in Her Majesty's Supreme Courts of Judicature*), and Act XXV of 1863 (*to empower Judges of the High Court and other authorities at Fort William in Bengal, to direct convicts to be imprisoned either in the House of Correction or the Great Jail of Calcutta, and to authorize the transfer of prisoners in certain cases from the House of Correction to the Great Jail and from the Great Jail to the House of Correction*) are hereby repealed.

After commencement of Act no one to be committed to Sheriff; And writs not to be issued to Sheriff.

3. After the commencement of this Act, no person shall be committed to the Sheriff of Calcutta to be received and detained in prison; and no writ shall be awarded to the said Sheriff commanding him to arrest and seize the body of any offender.

Government of Bengal may appoint Superintendent of Presidency Jail.

4. It shall be lawful for the Government of Bengal to appoint an Officer who shall be called the Superintendent of the Presidency Jail, and who shall have authority to receive and keep prisoners committed to his custody under the provisions of this Act.

Persons sentenced by High Court to imprisonment or death to be delivered to the Superintendent of the Presidency Jail.

5. Whenever any person shall be sentenced by the High Court in the exercise of its original Criminal jurisdiction to imprisonment or to death, the Court shall cause such person to be delivered to the Superintendent of the Presidency Jail, together with the warrant of the said Court, and such warrant shall be executed by the said Superintendent and returned by him to the High Court when executed.

Persons sentenced by High Court to transportation or penal servitude to be delivered for intermediate custody to Superintendent.

6. Whenever any person shall be sentenced by the High Court in the exercise of its original Criminal jurisdiction to transportation or penal servitude, the Court shall cause such person to be delivered for intermediate custody to the said Superintendent, and the imprisonment of such person shall have effect from such delivery.

Persons sentenced by Magistrate to imprisonment or imprisoned for non-payment of fine to be delivered to Superintendent with a warrant.

7. Whenever any person shall be sentenced by a Magistrate of Police for the Town of Calcutta to imprisonment and whenever any person shall be imprisoned for default of payment of any fine imposed by any such Magistrate, the Magistrate shall cause such person to be delivered to the said Superintendent together with a warrant of the Court.

Superintendent to detain such persons according to exigency of warrant, and to return same when executed.

8. The said Superintendent shall detain the person so delivered to him according to the exigency of such warrant, and shall return such warrant when executed to the Court whence it issued.

Persons committed by Justice for trial by High Court to be delivered to Superintendent with warrant.

9. Persons committed by a Justice of the Peace or Magistrate for trial by the High Court in the exercise of its original Criminal jurisdiction, shall be delivered to the said Superintendent together with a warrant of commitment, directing him to have the bodies of such persons before the Court for trial at the Sessions of the Court next ensuing after the date of such commitment.

Persons arrested in pursuance of warrant of High Court or Small Cause Court to be delivered to Superintendent.

10. Every person arrested in pursuance of a warrant or order of the High Court in the exercise of its original Civil jurisdiction, or in pursuance of a warrant of any Court established in Calcutta under Act IX of 1850 (*for the more easy recovery of small debts and demands in Calcutta, Madras and Bombay*), shall be delivered by the proper Officer of the Court executing such warrant, together with a copy of such warrant, to the said Superintendent; and the Officer executing such warrant shall thenceforward be absolved from responsibility for the custody of the person so delivered.

Superintendent to detain such persons according to exigency of warrant.

11. The said Superintendent shall detain the person delivered to him by the Officer of the Court in manner aforesaid, according to the exigency of the warrant, and return the same to the said Officer of the Court as soon as the terms of the said warrant shall have been complied with.

Persons confined in House of Correction or Great Jail of Calcutta shall be deemed to be in custody of Superintendent.

12. From and after the commencement of this Act, all persons confined in the Great Jail of Calcutta, under process or sentence of Her Majesty's Supreme Court of Judicature at Fort William in Bengal, or of the High Court, or of any Police Magistrate, shall be considered to be and shall remain in the custody of the said Superintendent according to the terms of the warrants under which they shall have been respectively committed to custody.

Warrant under Regulation III, 1818, Bengal Code, may be directed to Superintendent.

13. Any warrant of commitment under Regulation III, 1818, of the Bengal Code (*for the confinement of State Prisoners*), may be directed to the said Superintendent in the same manner as the same might have been directed to the Sheriff, under Act XXXIV of 1850 (*for the better custody of State Prisoners*) and Act III of 1858 (*to amend the Law relating to the arrest and detention of State Prisoners*).

Provisions of Statute 11 Vict., cap. 21 as to prisoners, to extend to persons in custody of Superintendent.

14. The provisions contained in the Statute 11 Vict., cap. 21 (*to consolidate and amend the laws relating to Insolvent Debtors in India*), relating to persons in prison or liable to be arrested or detained in or remanded or recommitted to, or entitled to be discharged from, prison within the limits of the town of Calcutta, shall apply to all persons in the custody of the said Superintendent or liable to be delivered to or entitled to be discharged from his custody.

Commencement of Act.

15. This Act shall come into operation on the first day of April 1865.

Act may be extended to Madras and Bombay.

16. The provisions of this Act may be extended to the local jurisdictions of Her Majesty's High Courts of Judicature at Madras and Bombay respectively by notification in the *Gazette of India*: such provisions when so extended shall, *mutatis mutandis*, relate to the custody of prisoners in such jurisdictions; and Regulation II of 1819 of the Madras Code (*for the confinement of State Prisoners*) and Regulation XXV of 1827 of the Bombay Code (*for the confinement of State Prisoners and for the attachment of the lands of Chieftains and others, for reasons of State*), shall respectively be read for the said Regulation III of 1818 of the Bengal Code, and so much of the Regulations or Acts for the time being in force in such jurisdictions respectively as is in any way inconsistent with or repugnant to any of the provisions of this Act shall thenceforward cease to have effect in such jurisdictions.

WHITLEY STOKES,
Offg. Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 21st March 1865, and is hereby promulgated for general information :—

ACT No. XIII OF 1865.

An Act to amend the procedure of Her Majesty's High Courts of Judicature in the exercise of their original Criminal jurisdiction, and to provide for the exercise of such jurisdiction at places other than the Presidency Towns.

Preamble.

Whereas it is expedient to amend the procedure of the High Courts of Judicature at Fort William in Bengal, at Madras, and at Bombay, in the exercise of their original Criminal jurisdiction, and also to provide for the exercise by such Courts of original Criminal jurisdiction under the Commission of the Governor General of India in Council, or of either of the Governors in Council of Madras and Bombay, in places other than the Presidency Towns, or at several such places by way of circuit; It is enacted as follows :—

Preliminary.

Short Title.

1. This Act may be cited as "The High Courts' Criminal Procedure Amendment Act, 1865."

Interpretation Clause.

2. In this Act, unless there be something repugnant in the subject or context—

"High Court."

"High Court" denotes Her Majesty's High Courts of Judicature at Fort William in Bengal, at Madras and at Bombay, respectively.

"Chief Justice," "Judge," &c.

"Chief Justice," "Judge," "Registrar," and other words denoting any particular Officer, respectively include any person for the time being authorized to act as such Chief Justice, Judge, Registrar, or other Officer.

"Magistrate."

"Magistrate" denotes any person exercising any of the powers of a Magistrate under the Code of Criminal Procedure, and includes Police Magistrates in any Presidency Town.

"Clerk of the Crown."

"Clerk of the Crown" includes, besides such Officer, a Crown Prosecutor and any Officer specially appointed by the Governor General of India in Council or the Governor in Council of Madras or Bombay to discharge the functions given by this Act to the Clerk of the Crown, in respect of any sittings of a Judge or Judges of the High Court in a place other than the usual place of sitting, or in respect of any sittings of a Barrister under the forty-fourth Section of this Act.

"British India."

"British India" denotes the territories which are or may become vested in Her Majesty or her successors under the Statute 21 and 22 Vic., cap. 106, except the Settlement of Prince of Wales' Island, Singapore, and Malacca.

Gender and Number.

Words importing the masculine gender include females : words in the singular number include the plural, and words in the plural number include the singular.

Of Charges where the accused is committed in a Presidency Town.

Charge to be delivered to Clerk of the Crown with commitment within the local limits of the ordinary original Civil jurisdiction.

3. Any Justice of the Peace or Magistrate who shall commit to custody or hold to bail any person for trial before the High Court for an offence committed, or which, according to law, may be dealt with as if it had been committed, within the local limits of its ordinary original Civil jurisdiction, shall, together with all examinations, informations, bailments, and recognizances now required to be delivered to such Court before the trial, deliver to the Clerk of the Crown a written instrument of charge signed by him stating for what offence such person is so committed or held to bail.

Clerk of the Crown to consider, and, if he will, to amend, alter, or add to the charge.

Charge with amendments, alterations or additions (if any) to be recorded.

4. The Clerk of the Crown shall peruse and consider the charge, and may, if he consider it necessary or expedient so to do, amend, alter, or add to the same. The charge, with such amendments, alterations, or additions, if any, shall be recorded in the High Court, and the person charged shall be entitled to have a copy of such charge with such amendments, alterations, or additions (if any) gratis.

Accused to have copies of examinations.

5. The person charged shall also be entitled to copies of the examinations of the witnesses upon whose depositions he has been so committed or held to bail, on payment of a reasonable sum for the same, not exceeding one anna for each folio of ninety words.

Effect of charge.

6. Upon charges recorded as aforesaid, persons committed to custody or held to bail shall be deemed to have been brought before the High Court in due course of law, and (subject to the provisions contained in the eighth Section of this Act) shall be arraigned at suit of the Crown, and the verdict shall be recorded thereupon.

Provisions of Act XVIII of 1862 as to indictments to apply to charges preferred under this Act.

7. In Act XVIII of 1862 *(to repeal Act XVI of 1852 in those parts of British India in which the Indian Penal Code is in force, and to re-enact some of the provisions thereof with amendments, and further to improve the administration of Criminal Justice in Her Majesty's Su-*

preme Courts of Judicature), the word "indictment" shall be understood to include the word "charge," and all the provisions of the said Act shall apply to charges recorded as aforesaid and the trial of such charges.

Nolle prosequi on unsustainable charge.

8 When any such charge shall have been recorded in the High Court as aforesaid, and shall at any time before the person charged is arraigned, appear to the Judge of the High Court who would in ordinary course try the same, to be clearly unsustainable, an entry to that effect may be made on the charge by such Judge. Such entry may be made without the fiat of the Advocate General, and shall have the effect of a *nolle prosequi* upon the charge, but shall not operate as an acquittal of the person charged unless and until three years from the time of making the entry shall have elapsed, at the expiration of which period, if no fresh charge have been brought on the same matter, he shall be considered as having been acquitted.

Of Grand Juries.

After commencement of this Act, Grand Jury not to be summoned

9 From and after the date on which this Act shall come into operation, no warrant or precept shall be issued to the Sheriff or other Officer directing him to summon any persons to attend and serve as Grand Jurors All persons who, but for this Act, would have been exempt from serving on Common Juries, shall be liable, except as hereinafter provided, to serve on such Juries.

No one to be charged on the presentment or inquisition of Grand Jurors, unless they have been summoned before the commencement of this Act.

10. No person shall be brought before the High Court on the presentment or inquisition of Grand Jurors, unless such presentment or inquisition shall have been made by Grand Jurors who shall have been duly summoned before this Act comes into force: Provided that if any precept for summoning a Grand Jury shall have been issued for the then next coming Sessions of the High Court, such Grand Jury shall proceed at such Sessions as if this Act had not passed.

Of Juries in Presidency Towns.

Certain trials to be held before Special Jurors

11. Every person tried in a Presidency Town upon a charge of having committed an offence which is punishable with death, or upon any other charge if a Judge of the High Court shall so order, shall be tried before a Special Jury.

The Jurors' Book for the current year, to be taken as giving the first list of Jurors and Special Jurors.

12. The Jurors' Book for the year current when this Act comes into force, shall be taken as containing a correct general list of persons qualified and liable to serve as Jurors under this Act: and those persons whose names are entered in the said Jurors' Book as being privileged to serve on Grand or Special Juries only, shall be deemed to be persons privileged and liable to serve only as Special Jurors under this Act: and a list of such last mentioned persons, to be called the "Special Jurors' List," shall forthwith, and subject to such rules as shall be prescribed by the High Court, be prepared by the Clerk of the Crown or such other Officer as the Chief Justice of the High Court shall direct.

The number of Special Jurors in the first list to be allowed to die down to two hundred.

13. The number of persons included in the "Special Jurors' List" prepared as in the last preceding Section is provided, shall be permitted gradually from year to year to diminish until the whole number of names remaining on such list shall not exceed two hundred: and no new name shall be added to such list until the number shall have been so diminished by the death or change of residence of the persons originally included in the list, or by other loss of such qualification as gave them the privilege of serving only as Grand or Special Jurors. After the number shall once have been reduced as aforesaid, the names of not more than two hundred persons shall ever at any one time be entered in the Special Jurors' List.

After which the number of Special Jurors not to exceed two hundred.

Special Jurors exempted from serving on Common Juries.

14. All persons whose names are entered in the "Special Jurors' List," shall be exempted from serving on any other than Special Juries.

Preparation of lists of Jurors and Special Jurors.

15. The Clerk of the Crown or such other Officer as the Chief Justice of the High Court shall direct, shall, before the first day of April in each year, and subject in all respects to such rules as the High Court shall from time to time prescribe, prepare a list of all persons qualified and liable to serve as Jurors: and shall, before the fifteenth day of April which shall first occur after the reduction of the number of names in the "Special Jurors' List" as aforesaid, and before every subsequent fifteenth day of April, but subject always to such rules as aforesaid, take from the general list of Jurors the names of such persons as he may think fit, regard being had to their property, character, and education, and shall enter the same in the "Special Jurors' List."

Officer preparing the lists to have full discretion no appeal from his decision.

16. The Clerk of the Crown or other Officer appointed by the Chief Justice shall, subject to such rules as aforesaid, have full and entire discretion to prepare the said lists as shall seem to him to be proper, and there shall be no appeal from or review of his decision.

Lists of Jurors to be published in the Gazette.

17. The list of persons qualified or liable to serve as Jurors, and the "Special Jurors' List," respectively, signed by the Officer by whom the same shall have been prepared, shall be published once in the Official Gazette, before the first day of May next after their preparation, and

copies of the said lists shall be affixed to some conspicuous part of the Court House.

Jurors and Special Jurors to be summoned for each Sessions.

18. Out of the names contained in the lists aforesaid, there shall be summoned for each Sessions thirty-six of those who are qualified and liable to serve on Special Juries, and seventy-two of those who are qualified and liable to serve on Common Juries.

Of Challenges of Jurors in the Presidency Towns.

Challenges.

19. A peremptory challenge to the number of twenty in Common Juries and ten in Special Juries, shall be allowed; but there shall be no challenge to the array, and save as aforesaid the following and no others shall be good causes of challenge, whether on behalf of the Crown or by the person charged:—

(1.) Some personal objection, such as alienage, infancy, old age, or deficiency in the qualification required by any law or rule having the force of law for the time being in force.

(2.) Some presumed or actual partiality in the Juror.

(3.) A previous conviction of the Juror under the Indian Penal Code, or the criminal law administered in the Supreme Courts of Judicature or the Courts of the East India Company previously to the enactment of such Code.

Judge to try challenge.

20. The Judge before whom the person charged is about to be tried shall try any challenge, other than a peremptory challenge, and if he allow the challenge, the Juror shall be set aside.

High Court to retain its present jurisdiction as to Jurors in Presidency Towns, except as altered by this Act.

21. Save as hereinbefore provided, the High Court shall retain all its present powers respecting the summoning, empanelling, qualification, challenging, and service of Jurors in the Presidency Towns: and shall have power to make such rules on these subjects (not inconsistent with the provisions of this Act) as shall seem to it to be proper. All rules relating thereto now in force in the High Court shall (so far as they are not inconsistent with this Act) remain in full force until repealed or altered by new rules made under this Section.

Of Sittings under a Commission.

Jurisdiction of Judge acting under Commission from Governor General of India in Council.

22. From and after the commencement of this Act, whenever it shall appear to the Governor General of India in Council convenient that the jurisdiction and power vested in the High Court at Fort William in Bengal should be exercised in any place within the jurisdiction of any Court now subject to the superintendence of the said High Court, whether within or without the Bengal Division of the Presidency of Fort William, other than the usual place of sitting of such Court, or at several such places by way of circuit, and the Governor General of India in Council shall, by his Commission for that purpose, authorize and direct any of the Judges of such Court to hold sittings at such place or places accordingly, at or within such times as by such Commission may be authorized or directed, the Judge or Judges acting under such Commission in the places and manner therein directed, shall have and exercise the same jurisdiction, power, and authority as would be had and exercised by a Judge or Judges of the High Court of Judicature at Fort William in Bengal in its ordinary place of sitting, but subject, as respects the exercise of original Criminal jurisdiction in any place other than the ordinary place of sitting of such High Court, to the provisions contained in the twenty-eighth and following Sections of this Act.

Jurisdiction of Judge acting under Commission of Governor in Council of Madras.

23. From and after the commencement of this Act, whenever it shall appear to the Governor in Council of Madras convenient that the jurisdiction and power vested in the High Court of Judicature at Madras should be exercised in any place within the jurisdiction of any Court now subject to the superintendence of the same High Court, whether within or without the Presidency of Madras, other than the usual place of sitting of such Court, or at several such places by way of circuit, and such Governor in Council shall by his Commission for that purpose authorize and direct any of the Judges of such Court to hold sittings in such place or places accordingly at or within such times as by such Commission may be authorized or directed, the Judge or Judges acting under such Commission in the places and manner therein directed shall have and exercise the same jurisdiction, power, and authority as would be had and exercised by a Judge or Judges of the High Court at Madras, in its ordinary place of sitting, but subject, as respects the exercise of original criminal jurisdiction in any place other than the ordinary place of sitting of the same Court, to the provisions contained in the twenty-eighth and following Sections of this Act.

Jurisdiction of Judge acting under Commission of Governor in Council of Bombay.

24. From and after the commencement of this Act, whenever it shall appear to the Governor in Council of Bombay convenient that the jurisdiction and power vested in the High Court of Judicature at Bombay should be exercised in any place within the jurisdiction of any Court now subject to the superintendence of the same Court, whether within or without the Presidency of Bombay, other than the usual place of sitting of such Court, or at several such places by way of circuit, and such Governor in Council shall by his Commission for that purpose authorize and direct any of the Judges of such Court to hold sittings in such place or places accordingly at or within such times as by such Commission may be authorized or directed, the Judge or Judges acting under such Commission in the places and manner therein directed shall have and exercise the same jurisdiction, power, and authority as would be had and exercised by a Judge or Judges of the High Court at Bombay in its ordinary place of sitting, but subject, as respects the exercise of original Criminal jurisdiction in any place other than the ordinary place of sitting of the same Court, to the provisions contained in the twenty-eighth and following Sections of this Act.

25. The High Court may allot to a Judge or Judges acting under a Commission as aforesaid, such part of the extraordinary original Civil jurisdiction, and of the Civil and Criminal Appellate jurisdiction, and of the jurisdiction as a Court of revision or reference, which it is competent to exercise at its usual place of sitting, as the High Court may consider can be more conveniently exercised at any place or places mentioned in such Commission.

High Court may allot jurisdiction to Judge acting under Commission.

26. Every Commission issued as aforesaid under any of the preceding Sections shall specify the time during which and the districts or places within which such Commission shall remain in force; and such time and the limits of such districts or places shall be notified in the Official Gazette.

Commission to specify time and place during and in which it shall travel.

27. The Governor General of India in Council or the Governor of Madras or of Bombay in Council, as the case may be, may by such Commission as aforesaid associate with such Judge of the High Court any Barrister-at-law of not less than five years' standing, or any Sessions Judge. The person so associated shall be called the Associate Judge, and, unless directed to try persons separately as hereinafter provided, may sit with the Judge of the High Court during the trials of persons tried under such Commission. Whenever any Associate Judge sits with the Judge of the High Court, the latter shall preside, conduct the case, and pronounce judgment.

Power to appoint an Associate Judge.

28. Any Justice of the Peace or Magistrate without the local limits of the ordinary original Civil jurisdiction of the High Court, before whom any European British subject shall be brought for an offence committed without those limits shall, immediately after the conclusion of the preliminary enquiry, and if he shall determine to commit or hold to bail such person for trial, give notice thereof to the High Court to which the commitment or bailment would ordinarily be made, and shall send to the Clerk of the Crown, together with the record of the preliminary enquiry, and translations into English of any writings not in that language, a written instrument of charge signed by him stating for what offence such person is committed or held to bail. On receipt of these documents, the Clerk of the Crown shall proceed as directed in the like case in the fourth Section, and the person charged shall be entitled to copies in like manner as he would be entitled to copies under the fifth Section, of this Act. If a Commission under which the person charged might be tried shall have been issued, the High Court shall consider at what place the person charged can be most conveniently tried, and shall give directions accordingly: if no such Commission shall have been issued, the High Court shall obtain information from the Government as to whether such Commission is about to issue, and shall then give such directions as last aforesaid. Provided always that, if the commitment or bailment have been made after the issue and during the running of a Commission under which the person charged might be tried, the notice by this Section directed to be given to the Clerk of the Crown shall be given, and the documents directed to be sent to the Clerk of the Crown shall be sent to the Clerk of the Crown with the Judge of the High Court acting under the Commission. Such Judge shall have all the powers given to the High Court by this and the next succeeding Section.

Charge to be delivered with record of preliminary inquiry without the local limits of the original criminal jurisdiction.

29. The charge, whether it shall or shall not have been amended, altered, or added to under the last preceding Section, shall, if the person charged be directed to be tried at a place other than the usual place of sitting of the Court, have the same effect as a charge under the thirteenth Chapter of the Code of Criminal Procedure, and the person charged shall be tried thereon before a Judge of the High Court, whether sitting by himself or with an Associate Judge. But if, at any time before the High Court shall have directed where the trial of the person charged shall take place, the charge appear to the High Court to be clearly unsustainable, an entry to that effect may be made by the proper Officer of the Court at any time before the commencement of the trial. Such entry shall have the effect of staying proceedings on the charge, but shall not operate as an acquittal of the person charged, unless and until three years from the time of making the entry shall have elapsed, at the expiration of which period, if no fresh charge have been brought on the same matter, he shall be considered as having been acquitted. If the person charged be directed to be tried at the usual place of sitting of the Court, the charge whether amended, altered, or added to as last aforesaid or not shall have the same effect as, and be deemed to be, a charge under the sixth, seventh, and eighth Sections of this Act.

The charge shall be deemed a charge under the Criminal Procedure Code.

If unsustainable, the proceedings may be stayed.

30. Pending the directions of the High Court as to the place of trial, every such British subject as is referred to in the twenty-eighth Section of this Act shall (if not out on bail) be committed by the Justice of the Peace or Magistrate for intermediate custody to the nearest Criminal Jail in which he can be most conveniently confined. If the trial shall be directed to take place in the usual place of sitting of the Court, the Justice of the Peace or Magistrate shall bind over the person charged to appear and take his trial at such usual place of sitting, or shall commit him to the Jail at such place. If the High Court shall direct that the person charged be tried elsewhere than in its usual place of sitting, the Justice of the Peace or Magistrate shall bind him over to appear and take his trial in the place directed, or (as the case may be) shall, if necessary, cause him to be removed to the Criminal Jail of or nearest to the place at which such person is directed to be tried; and the Officer in charge of such Criminal Jail shall keep such person in safe custody until discharged in due course of law.

Procedure pending directions of High Court.

31. It shall be lawful for the High Court to direct that all European British subjects committed or bailed for trial within certain specified Districts or during certain specified periods of the year, shall be tried at the usual place of sitting of the Court or to direct that they shall be tried at a particular place named; and also to order that such European British sub-

High Court may order European British subjects committed in certain Districts in certain seasons of the year to be tried at a particular place and confined in a particular jail.

jects shall, if not bailed, be committed for intermediate custody to a particular Jail, being one of the Jails appointed by the Government for the reception of such prisoners. In any such case the High Court may direct further that the notice required by the twenty-eighth Section of this Act to be given and the papers required by that Section to be sent to the Clerk of the Crown, shall be given and sent to a particular Clerk of the Crown named by the High Court in that behalf. Every person bailed or committed to take his trial at any particular place in compliance with a general direction under the provisions of this Section, shall be dealt with in all respects as if he had been bailed or committed in compliance with a special direction under the twenty-eighth Section of this Act.

Jurisdiction over European British subjects tried under Commission.

32. When the High Court shall have directed that any European British subject shall be tried at any place other than its usual place of sitting, the Judge of the High Court acting under such Commission as aforesaid in the place and manner therein mentioned, shall, whether sitting by himself or with the Associate Judge, have and exercise in respect of such European British subject the same jurisdiction, power, and authority which would be had and exercised by the High Court at its ordinary place of sitting if the said European British subject had been committed or bailed to the said High Court at its ordinary place of sitting for the offence with which he is charged. But the trial of the said European British subject before such Judge of the High Court acting under such Commission as aforesaid, and whether sitting by himself or with the Associate Judge, shall, subject to the exceptions hereinafter declared, be conducted in accordance with the rules and provisions contained in the Code of Criminal Procedure, and thereby made applicable to trials of persons committed or bailed for trial before the Court of Session for offences triable by such Court.

Code of Criminal Procedure to apply to such subjects except as hereinafter declared.

Jurisdiction over persons not European British subjects tried under Commission.

33. The Judge of the High Court acting under such Commission in the place and manner therein mentioned, and whether sitting by himself or with the Associate Judge, shall, if he shall think fit, have and exercise the same jurisdiction, power, and authority in respect of any person committed or bailed for trial under the Code of Criminal Procedure before the Court of Session at the place and within the time in such Commission mentioned as might be had and exercised by the Court of Session to which such person was committed or bailed. The trial of such person shall be conducted, subject to the exceptions hereinafter declared, in accordance with the rules and provisions contained in the Code of Criminal Procedure, and thereby made applicable to trials before a Court of Session of persons committed or bailed to such Court for offences triable by the same.

Trials under Commission to be by Jury.

34. All trials before a Judge of the High Court acting under such Commission as aforesaid, and whether sitting by himself or with the Associate Judge, shall be by Jury.

Summoning of Jurors to serve on trials under Commission.

35. Whenever the Governor General of India in Council or the Governor of Madras or of Bombay in Council, as the case may be, shall have signified to the High Court that it is intended to issue a Commission as aforesaid to any Judge or Judges of the High Court authorizing and directing sittings of the said Judge or Judges in any place, the High Court shall give notice of such intention to the Court of Session at such place, and thereupon the said Court of Session shall take and cause to be taken the measures prescribed by Sections three hundred and thirty-six to three hundred and forty, both inclusive, of the Code of Criminal Procedure for the summoning of Jurors; and in addition to the persons so summoned as Jurors, the said Court of Session shall, if it shall think needful, after communication with the Commanding Officer, cause to be summoned such number of Commissioned and Non-Commissioned Officers in the Military service resident within ten miles of its place of sitting as the Court shall consider to be necessary to make up the Juries required for the trial of persons charged with offences before the Judge of the High Court acting under Commission as aforesaid. All Commissioned and Non-Commissioned Officers so summoned shall be liable to serve on such Juries notwithstanding anything contained in the Code of Criminal Procedure, but no Commissioned or Non-Commissioned Officer shall be summoned whom his Commanding Officer shall desire to have excused on the ground of urgent Military duty or for any other special Military reason. The Juries for the trial of persons triable by such Judge of the High Court acting under such Commission as aforesaid shall be formed in the manner required by the Code of Criminal Procedure and by this Act from the persons summoned under the said Sections of the Code of Criminal Procedure and from the Commissioned and Non-Commissioned Officers summoned as aforesaid, or, if no such Officers have been summoned, then solely from the persons summoned under the same Sections.

Military men not exempt.

Jury for trial of European British subject.

36. If the person charged shall be a European British subject and shall so require before the Jury shall be empannelled, the majority of the Jurors shall consist of Europeans or Americans. If such a Jury cannot be procured, the person so charged shall be sent for trial by the High Court in its usual place of sitting.

Number of Jury requisite to verdict of guilty.

37. On every trial mentioned in the thirty-fourth Section of this Act, the Jury shall consist of twelve persons, and unanimity, or a majority of not less than nine with the concurrence of the presiding Judge, shall be necessary for a verdict of guilty. In default of such unanimity, or of such majority and concurrence, the prisoner shall be acquitted.

Acts not of a judicial nature may be done by Clerk of the Crown.

38. During the trial of any person before a Judge of the High Court, acting under Commission as aforesaid or by a Judge of the High Court and an Associate Judge sitting together, any act, not of a judicial

nature, which the Code of Criminal Procedure requires to be done by the Court of Session, may be done by the Clerk of the Crown or by any Officer of the Court directed by such Judge to perform such act.

Portions of Section 380 of Criminal Procedure Code not to apply to sentences by High Court Judge.

39. So much of the three hundred and eightieth Section of the Code of Criminal Procedure as requires the confirmation by the Sudder Court of sentences of death passed by a Court of Session, and so much of the said Section as requires from the Court a statement of the grounds on which a person convicted of an offence made punishable by death by the Indian Penal Code has been sentenced to a punishment other than death, shall not apply to sentences by a Judge of the High Court acting under Commission as aforesaid.

Portion of 26th Chapter of Criminal Procedure Code not to apply to sentences of High Court Judge.

40. So much of the twenty-sixth Chapter of the Code of Criminal Procedure as requires judgment to be passed by a Criminal Court in any particular form, and as requires that the sentence or finding shall be recorded in any particular form shall not apply to judgments, sentences, or findings in trials before a Judge of the High Court acting under such Commission as aforesaid, whether sitting by himself or with an Associate Judge; but the Judge shall pass judgment and shall record or cause to be recorded the sentence and finding in such form as he shall think proper.

Power to reserve for High Court any question of law or evidence.

41. When any person has been convicted of an offence before a Judge of the High Court acting under Commission as aforesaid, the Judge, if he think proper, may reserve for the decision of the High Court any question of law or of the admissibility of evidence which has arisen in the course of the trial of such person. If the Judge reserve no such question, he shall forward the prisoner with a copy of his sentence and a warrant for the execution of the same to the Magistrate or other Officer in charge of the Jail of the District at which the trial was held, and such Magistrate or other Officer shall proceed thereupon in like manner as he is directed by the Code of Criminal Procedure to proceed in respect of sentences by a Court of Session not requiring confirmation. If the Judge reserve any question of law or of the admissibility of evidence, the person convicted shall, pending the decision of the High Court thereon, be dealt with in like manner as persons sentenced by a Court of Session in cases where the sentence requires the confirmation of the Sudder Court under the Code of Criminal Procedure. If the decision of the High Court be adverse to the person convicted, such decision shall be forwarded to the Court of Session of the district in which the trial took place, in like manner as is directed by the three hundred and eighty-third Section of the said Code with reference to orders of confirmation of sentences, and thereupon the said Court of Session and all other persons shall proceed as if the person convicted had been sentenced by such Court of Session and as if such sentence had been confirmed by the Sudder Court under the Code of Criminal Procedure.

Procedure where no such question reserved.

Save as aforesaid, Criminal Procedure Code to apply to Juries under Commission.

42. Save as is hereinbefore otherwise provided, the Code of Criminal Procedure shall apply to the constitution and formation of Juries for the purpose of trials before a Judge of the High Court acting under Commission as aforesaid, or before such Judge and an Associate Judge, and to trials before such Judge of the High Court or before such Judge and an Associate Judge, and to sentences by such Judge of the High Court and to the carrying into execution of such sentences.

High Court Judge may direct Associate Judge to try any one triable under Commission not an European British subject.

43. If the Judge of the High Court think fit, he may direct the Associate Judge to try any person, other than a European British subject, who under this Act is triable by such Judge of the High Court. The trial of such person shall be regulated without exception by the rules of the Code of Criminal Procedure applicable to trials of persons committed or bailed for trial before a Court of Session, and such person, if convicted, shall be dealt with as if he had been convicted before the Court of Session of the district in which the trial was held. Any person, other than a European British subject, who has been committed or bailed for trial before the Court of Session of any place mentioned in such Commission as aforesaid, but who has not been tried under this Act during the time for which the Commission remains in force, shall be tried by the Court of Session to which he was committed or bailed as if this Act had not passed.

Power to Governor General of India in Council to appoint a Barrister to hold sittings under Commission at places not hereinbefore referred to.

44. From and after the commencement of this Act, it shall be lawful for the Governor General of India in Council by his Commission to authorize and direct any Barrister-at-law of not less than five years' standing, although not a Judge of any High Court, to hold sittings at any place in British India, other than the usual place of sitting of such Court, and other than any place referred to in the twenty-second, twenty-third, and twenty-fourth Sections of this Act, or at several such places by way of circuit. The Barrister acting under such Commission, in the places and manner therein directed, shall have and exercise the same jurisdiction, power, and authority as (subject to the provisions hereinbefore contained) would be had and exercised by a Judge of the High Court acting under any such Commission as aforesaid.

Commencement of Act.

45. This Act shall commence and come into operation on such date as the Governor General of India in Council shall appoint by notification in the *Gazette of India*.

Act not to extend to Straits' Settlement.

46. This Act shall not extend to the Settlement of Prince of Wales' Island, Singapore, and Malacca.

WHITLEY STOKES,
Offg. Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 7th April 1865, and is hereby promulgated for general information :—

Act No. XIV of 1865.

An Act to define the jurisdiction of the Courts of Civil Judicature in the Central Provinces.

Whereas it is expedient to define the jurisdiction of the Courts of Civil Judicature in the Central Provinces : It is enacted as follows :—

Short title.

1. This Act shall be called "The Central Provinces Courts' Act, 1865."

2. In this Act—

Interpretation Clause. "Assistant Commissioner."

"Assistant Commissioner" includes Extra Assistant Commissioner.

"District." "District Court." "Divisional Court."

3. For the purposes of this Act the local jurisdiction of a Deputy Commissioner shall be deemed a District, and the Court of such Deputy Commissioner shall be deemed the District Court. The local jurisdiction of a Commissioner shall, in like manner, be deemed a Division, and his Court a Divisional Court.

Grades of Courts in the Central Provinces.

4. There shall be eight grades of Courts in the Central Provinces, which shall be in addition to any Courts of Small Causes, and to any other Courts established under any Act which may hereafter be passed, namely :—

(1). The Court of the Tahsildar of the second class.

(2). The Court of the Tahsildar of the first class.

(3). The Court of the Assistant Commissioner of the third class.

(4). The Court of the Assistant Commissioner of the second class.

(5). The Court of the Assistant Commissioner of the first class.

(6). The Court of the Deputy Commissioner.

(7). The Court of the Commissioner.

(8). The Court of the Judicial Commissioner.

Chief Commissioner may declare grade to which a Tahsildar or Assistant Commissioner belongs.

5. Subject to any orders that may from time to time be issued by the Local Government, the Chief Commissioner shall have power to declare to which of the said grades any Tahsildar and any Assistant Commissioner shall belong.

Chief Commissioner may give Naib Tahsildars jurisdiction up to Fifty Rupees.

6. The Chief Commissioner may, with the sanction of the Local Government, invest any Naib Tahsildar with power to try and determine suits for money due, whether on bond or other contract, or for rent, or for personal property or for the value of such property, or for damages, when the debt, damage, or demand does not exceed in amount or value the sum of fifty Rupees, and to prescribe the local limits within which the Naib Tahsildar so invested shall exercise such power.

Jurisdiction of Court of Tahsildar of the second class.

7. The Court of the Tahsildar of the second class shall have power to try and determine suits of every description not exceeding one hundred Rupees in value or amount.

Jurisdiction of Court of Tahsildar of the first class.

8. The Court of the Tahsildar of the first class shall have power to try and determine suits of every description not exceeding three hundred Rupees in value or amount.

Jurisdiction of Court of Assistant Commissioner of the third class.

9. The Court of the Assistant Commissioner of the third class shall have power to try and determine suits of every description not exceeding five hundred Rupees in value or amount.

Jurisdiction of Court of Assistant Commissioner of the second class.

10. The Court of the Assistant Commissioner of the second class shall have power to try and determine suits of every description not exceeding one thousand Rupees in value or amount.

Jurisdiction of Court of Assistant Commissioner of the first class.

11. The Court of the Assistant Commissioner of the first class shall have power to try and determine suits of every description not exceeding five thousand Rupees in value or amount.

Jurisdiction of Court of Deputy Commissioner.

12. The Court of the Deputy Commissioner shall have power to try and determine suits of every description and of any amount, and to hear appeals from the original decisions in suits and (where an appeal is allowed by the Code of Civil Procedure) from the orders of the Courts of the first, second, third, and fourth grades respectively and of Naib Tahsildars invested as aforesaid.

Jurisdiction of Court of Commissioner.

13. The Court of the Commissioner shall have power to hear and determine appeals from the original decisions in suits and (where an appeal is allowed by the Code of Civil Procedure) from the orders of the Courts of the fifth and sixth grades.

Jurisdiction of Court of Judicial Commissioner.

14. The Court of the Judicial Commissioner shall have power to hear and determine appeals from the original decisions in suits and (where an appeal is allowed by the Code of Civil Procedure) from the orders of the Commissioners, and also applications for a special appeal as provided in the said Code from the decisions passed in regular appeal by the Deputy Commissioners and by the Commissioners of Divisions.

15. The memorandum of regular appeal prepared in the form, and containing the particulars, mentioned in the Code of Civil Procedure, shall be presented in the Court empowered to hear the appeal within the period hereinafter specified, unless the appellant shall show sufficient cause to the satisfaction of such Court for not having presented the memorandum of appeal within such period, that is to say, thirty days if the appeal lie to the Deputy Commissioner; six weeks if the appeal lie to the Commissioner of a Division, and ninety days if the appeal lie to the Judicial Commissioner. The period shall be reckoned from and exclusive of the day on which the decision or order appealed against was passed, and also exclusive of such time as may be requisite for obtaining a copy of the decree or order from which the appeal is made. Applications for special appeal shall be presented in the Court of the Judicial Commissioner within the period hereinbefore fixed for regular appeals.

Time for presenting appeals.

16. Whenever the state of the public business requires it, the Local Government shall have power to invest any person with the powers of a Commissioner or of a Deputy Commissioner in any part of the Central Provinces.

Local Government may invest any one with powers of Commissioner, or of Deputy Commissioner.

17. Every suit shall be instituted in the Court of the lowest grade competent to try it: Provided that no suit cognizable by a Court of Small Causes shall be heard or determined in any other Court having any jurisdiction within the local limits of the jurisdiction of such Court of Small Causes.

Court in which suit shall be instituted.

18. Except when otherwise provided in any Regulation or Act for the time being in force, an appeal shall lie from the decisions of the Courts of original jurisdiction to the Courts authorized by this Act to hear appeals from the decisions of those Courts.

Appeal to lie from all decisions except when expressly prohibited.

19. The Deputy Commissioner may direct the business in the Courts subordinate to him, holding their sittings at the same place, to be distributed among such Courts in such way as he shall think fit: Provided that no Court shall try any suit in which the amount or value of the claim shall exceed its proper jurisdiction.

Deputy Commissioner may distribute business among subordinate Courts.

20. The Commissioner of the Division or the Deputy Commissioner may withdraw any suit instituted in any Court subordinate to him, and try such suit himself or refer it for trial to any other such subordinate Court and competent in respect of the value or amount of the suit to try the same. The Commissioner of the Division may also withdraw any appeal instituted in the Court of any Deputy Commissioner subordinate to him and try the appeal himself or refer it for trial to the Court of any other Deputy Commissioner in his Division.

Transfer of suits from subordinate Court to Commissioner's or Deputy Commissioner's Court.

21. The Judicial Commissioner may order that the cognizance of any suit or appeal which shall be instituted in any Court subordinate to him not being a Court of Small Causes shall be transferred to any other such subordinate Court, competent in respect of the value of the subject-matter of the suit or appeal to try the same.

Judicial Commissioner may transfer suits from one subordinate Court to another.

22. If the suit be for any immovable property situate within the limits of different District Courts within the same Division, the suit may be brought in any Court otherwise competent to try it within the jurisdiction of which any portion of such property is situate, but in such case the Court in which the suit is brought shall apply to the Commissioner of the Division for authority to proceed with the suit; and such Commissioner after hearing the objections, if any, of the defendant, may give such authority. If the suit is brought in any Court subordinate to the Court of the Deputy Commissioner, the application shall be submitted to the Commissioner of the Division through the Deputy Commissioner to whom such Court is subordinate.

Suits for immovable property situate in different Districts.

23. If the District Courts within the limits of whose jurisdiction the immovable property is situate are subordinate to different Commissioners, the application shall be submitted to the Commissioner of the Division to whom the District Court in which the suit is brought is subordinate, and the Commissioner to whom such application is made may, after hearing the objections, if any, of the defendant, give authority to proceed with the suit.

Suits for immovable property situate in Districts subject to different Commissioners.

24. This Act shall commence and come into operation on the first day of May 1865.

Commencement of Act.

25. The Governor General of India in Council may, by an order to be published in the Official Gazette, extend the provisions of this Act to the Province of Oude, but not so as in any way to affect the provisions of Act XVI of 1865, (*to remove doubts as to the jurisdiction of the Revenue Courts in the Province of Oudh in suits relating to land, and to enlarge the period of limitation in such suits*). On and after such extension, the Civil Judge of Lucknow shall be considered a Deputy Commissioner, and the Assistant Judge of Lucknow an Assistant of the third class, within the meaning of this Act. Appeals from the decisions and orders of the Civil Judge of Lucknow, when allowed by the Code of Civil Procedure or any other law, shall lie as at present to the Court of the Judicial Commissioner.

Act may be extended to Oudh.

WHITLEY STOKES,

Offg. Asst. Secy. to the Govt. of India,

Home Dept. (Legislative.)

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 7th April 1865, and is hereby promulgated for general information:—

Act No. XV of 1865.

An Act to define and amend the law relating to Marriage and Divorce among the Parsees.

Preamble.

Whereas the Parsee Community has represented the necessity of defining and amending the law relating to Marriage and Divorce among Parsees; And whereas it is expedient that such law should be made conformable to the customs of the said community; It is enacted as follows:—

I.—*Preliminary.*

Short title.

1. This Act may be cited as "The Parsee Marriage and Divorce Act, 1865."

Interpretation clause.

2. In this Act, unless there be something repugnant in the subject or context—

Number.

Words in the singular number include the plural, and words in the plural number include the singular.

"Priest."

"Priest" means a Parsee Priest and includes Dastúr and Mobed.

"Marriage."

"Husband" and "Wife."

"Marriage" means a marriage between Parsees whether contracted before or after the commencement of this Act; and "Husband" and "Wife" respectively mean a Parsee husband and a Parsee wife.

"Section."

"Section" means a Section of this Act.

"Chief Justice."

"Chief Justice" includes Senior Judge.

"Court."

"Court" means a Court constituted under this Act.

"British India."

"British India" means the Territories which are or shall be vested in Her Majesty or her successors by the Statute 21 and 22 Vic., cap. 106, entitled "An Act for the better Government of India."

"Local Government."

"High Court."

And, in any part of British India in which this Act operates, "Local Government" means the person authorized to administer Executive Government in such part of India, or the Chief Executive Officer of such part when it is under the immediate administration of the Governor General of India in Council, and when such Officer shall be authorized to exercise the powers vested by this Act in a Local Government; and "High Court" means the highest Civil Court of appeal in such part.

II.—*Of Marriages between Parsees.*

Requisites to validity of Parsee marriages.

3. No marriage contracted after the commencement of this Act shall be valid, if the contracting parties are related to each other in any of the degrees of consanguinity or affinity prohibited among Parsees and set forth in a Table which the Governor General of India in Council shall, after due enquiry, publish in the *Gazette of India*, and unless such marriage shall be solemnized according to the Parsee form or ceremony called "Asírvád" by a Parsee Priest in the presence of two Parsee witnesses independently of such officiating Priest; and unless, in the case of any Parsee who shall not have completed the age of twenty-one years, the consent of his or her father or guardian shall have been previously given to such marriage.

Re-marriage save after divorce unlawful during life-time of first wife or husband.

4. No Parsee shall, after the commencement of this Act, contract any marriage in the life-time of his or her wife or husband, except after his or her lawful divorce from such wife or husband, by sentence of a Court as hereinafter provided; and every marriage contracted contrary to the provisions of this Section shall be void.

Punishment of bigamy.

5. Every Parsee who shall, after the commencement of this Act and during the life-time of his or her wife or husband, contract any marriage without having been lawfully divorced from such wife or husband, shall be subject to the penalties provided in Sections four hundred and ninety-four and four hundred and ninety-five of the Indian Penal Code for the offence of marrying again during the life-time of a husband or wife.

Certificate and registry of marriages.

6. Every marriage contracted after the commencement of this Act shall, immediately on the solemnization thereof, be certified by the officiating Priest in the form contained in the Schedule to this Act. The certificate shall be signed by the said Priest, the contracting parties, or their fathers or guardians when they shall not have completed the age of twenty-one years, and two witnesses present at the marriage; and the said Priest shall thereupon send such certificate together with a fee of two Rupees to be paid by the husband to the Registrar of the place at which such marriage is solemnized. The Registrar on receipt of the certificate and fee shall enter the certificate in a register to be kept by him for that purpose, and shall be entitled to retain the fee.

Appointment of Registrar.

7. For the purposes of this Act a Registrar shall be appointed, who may be the Registrar appointed under Act XVI of 1864 *(to provide for the Registration of Assurances)*. Within the local limits of the ordinary original Civil jurisdiction of a High Court, the Registrar shall be appointed by the Chief Justice of such Court, and, without such limits, by the Local Government. Every Registrar so appointed may be removed by the Chief Justice or Local Government appointing him.

8. The Register of Marriages mentioned in the sixth Section shall, at all reasonable times, be open for inspection; and certified extracts therefrom shall, on application, be given by the Registrar on payment to him by the applicant of two Rupees for each such extract. Every such register shall be evidence of the truth of the statements therein contained.

Marriage register to be open for public inspection.

9. Any Priest knowingly and wilfully solemnizing any marriage contrary to and in violation of the fourth Section shall, on conviction thereof, be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to two hundred Rupees, or with both.

Penalty for solemnizing marriage contrary to Section 4.

10. Any Priest neglecting to comply with any of the requisitions affecting him contained in the sixth Section shall, on conviction thereof, be punished for every such offence with simple imprisonment for a term which may extend to three months, or with fine which may extend to one hundred Rupees, or with both.

Penalty for Priest's neglect of requirements of Section 6.

11. Every other person required by the sixth Section to subscribe or attest the said certificate who shall wilfully omit or neglect so to do, shall, on conviction thereof, be punished for every such offence with a fine not exceeding one hundred Rupees.

Penalty for omitting to subscribe and attest the certificate.

12. Every person making, or signing, or attesting any such certificate containing a statement which is false, and which he either knows or believes to be false, or does not know to be true, shall be deemed to be guilty of the offence of forgery as defined in the Indian Penal Code, and shall be liable, on conviction thereof, to the penalties provided in Section four hundred and sixty-six of the said Code.

Penalty for making, &c., false certificate.

13. Any Registrar failing to enter the said certificate pursuant to the sixth Section shall be punished with simple imprisonment for a term which may extend to one year, or with fine which may extend to one thousand Rupees, or with both.

Penalty for failing to register certificate.

14. Any person secreting, destroying, or dishonestly or fraudulently altering the said register in any part thereof, shall be punished with imprisonment of either description as defined in the Indian Penal Code for a term which may extend to two years, or, if he be a Registrar, for a term which may extend to five years, and shall also be liable to fine which may extend to five hundred Rupees.

Penalty for secreting, destroying, or altering the register.

III.—*Of Parsee Matrimonial Courts.*

15. For the purposes of hearing suits under this Act, a special Court shall be constituted in each of the Presidency Towns of Calcutta, Madras and Bombay, and in such other places in the Territories of the several local Governments as such Governments respectively shall think fit.

Constitution of special Courts under this Act.

16. The Court so constituted in each of the Presidency Towns shall be entitled the Parsee Chief Matrimonial Court of Calcutta, Madras or Bombay, as the case may be. The local limits of the jurisdiction of a Parsee Chief Matrimonial Court shall be conterminous with the local limits of the ordinary original Civil jurisdiction of the High Court. The Chief Justice of the High Court, or such other Judge of the same Court as the Chief Justice shall from time to time appoint, shall be the Judge of such Matrimonial Court, and, in the trial of cases under this Act, he shall be aided by eleven Delegates.

Parsee Chief Matrimonial Courts.

17. Every Court so constituted at a place other than a Presidency Town shall be entitled the Parsee District Matrimonial Court of such place. Subject to the provisions contained in the next following Section, the local limits of the jurisdiction of such Court shall be conterminous with the limits of the District in which it is held. The Judge of the principal Court of original Civil jurisdiction at such place shall be the Judge of such Matrimonial Court, and, in the trial of cases under this Act, he shall be aided by seven Delegates.

Parsee District Matrimonial Courts.

18. The Local Government may from time to time alter the local limits of the jurisdiction of any Parsee District Matrimonial Court, and may include within such limits any number of Districts under its government.

Power to alter territorial jurisdiction of District Courts.

19. Any District which the Local Government, on account of the fewness of the Parsee inhabitants, shall deem it inexpedient to include within the jurisdiction of any District Matrimonial Court, shall be included within the jurisdiction of the Parsee Chief Matrimonial Court for the Territories under such Local Government where there is such Court.

Certain Districts to be within the jurisdiction of the Chief Matrimonial Court.

20. A seal shall be made for every Court constituted under this Act, and all decrees and orders and copies of decrees and orders of such Court, shall be sealed with such seal which shall be kept in the custody of the presiding Judge.

Court Seal.

21. The Local Governments shall, in the Presidency Towns and Districts subject to their respective Governments, respectively appoint persons to be Delegates to aid in the adjudication of cases arising under this Act. The persons so appointed shall be Parsees: their names shall be published in the Official Gazette; and their number shall, within the local limits of the ordinary original Civil jurisdiction of a High Court, be not more than thirty, and in Districts beyond such limits not more than twenty.

Appointment of Delegates.

22. The appointment of a Delegate shall be for life. But whenever a Delegate shall die, or be desirous of relinquishing his office, or refuse or become incapable or unfit to act, or be convicted of an offence under the Indian Penal Code or other law for the time being in force, then and so often the local Government may appoint any other person being a Parsee to be a Delegate in his stead; and the name of the person so appointed shall be published in the Official Gazette.

Power to appoint new Delegates.

23. All Delegates appointed under this Act shall be considered to be public servants within the meaning of the Indian Penal Code.

Delegates to be deemed public servants.

24. The Delegates selected under the sixteenth and seventeenth Sections to aid in the adjudication of suits under this Act shall be taken under the orders of the presiding Judge of the Court in due rotation from the Delegates appointed by the Local Government under the twenty-first Section.

Selection of Delegates under Sections 16 and 17 to be from those appointed under Section 21.

25. All Advocates, Vakeels, and Attornies-at-law entitled to practise in a High Court shall be entitled to practise in any of the Courts constituted under this Act; and all Vakeels entitled to practise in a District Court shall be entitled to practise in any District Matrimonial Court constituted under this Act.

Practitioners in Matrimonial Courts.

26. All suits instituted under this Act shall be brought in the Court within the limits of whose jurisdiction the defendant resides at the time of the institution of the suit. When the defendant shall at such time have left British India, such suit shall be brought in the Court at the place where the plaintiff and defendant last resided together.

Court in which suits to be brought.

When defendant has left British India.

IV.—*Of Matrimonial Suits.*

(a). *For a Decree of Nullity.*

27. If a Parsee at the time of his or her marriage was a lunatic or of habitually unsound mind, such marriage may at the instance of his or her wife or husband be declared null and void upon proof that the lunacy or habitual unsoundness of mind existed at the time of the marriage and still continues. Provided that no suit shall be brought under this Section if the plaintiff shall at the time of the marriage have known that the respondent was a lunatic or of habitually unsound mind.

In case of lunacy or mental unsoundness.

28. In any case in which consummation of the marriage is from natural causes impossible, such marriage may, at the instance of either party thereto, be declared to be null and void.

In case of non-consummation owing to physical causes.

(b). *For a Decree of Dissolution in case of Absence.*

29. If a husband or wife shall have been continually absent from his or her wife or husband for the space of seven years, and shall not have been heard of as being alive within that time by those persons who would naturally have heard of him or her had he or she been alive, the marriage of such husband or wife may, at the instance of either party thereto, be dissolved.

In case of absence for seven years.

(c). *For Divorce or Judicial Separation.*

30. Any husband may sue that his marriage may be dissolved, and a divorce granted, on the ground that his wife has, since the celebration thereof, been guilty of adultery; and any wife may sue that her marriage may be dissolved, and a divorce granted, on the ground that, since the celebration thereof, her husband has been guilty of adultery with a married or fornication with an unmarried woman not being a prostitute, or of bigamy coupled with adultery, or of adultery coupled with cruelty, or of adultery coupled with wilful desertion for two years or upwards, or of rape, or of an unnatural offence. In every such suit for divorce on the ground of adultery the plaintiff shall, unless the Court shall otherwise order, make the person with whom the adultery is alleged to have been committed a co-defendant, and in any such suit by the husband the Court may order the adulterer to pay the whole or any part of the costs of the proceedings.

On the ground of the wife's adultery.

On the ground of the husband's adultery, &c.

31. If a husband treat his wife with such cruelty or personal violence as to render it in the judgment of the Court improper to compel her to live with him, or if his conduct afford her reasonable grounds for apprehending danger to life or serious personal injury, or if a prostitute be openly brought into or allowed to remain in the place of abode of a wife by her own husband, she shall be entitled to demand a judicial separation.

Grounds of judicial separation.

32. In a suit for divorce or judicial separation under this Act, if the Court be satisfied of the truth of the allegations contained in the plaint, and that the offence therein set forth has not been condoned, and that the husband and wife are not colluding together, and that the plaintiff has not connived at, or been accessory to the said offence, and that there has been no unnecessary or improper delay in instituting the suit, and that there is no other legal ground why relief should not be granted, then and in such case, but not otherwise, the Court shall decree a divorce or judicial separation accordingly.

Suits for divorce or judicial separation.

33. In any suit under this Act for divorce or judicial separation, if the wife shall not have an independent income sufficient for her support and the necessary expenses of the suit, the Court on the application of the wife, may order the husband to pay her monthly or weekly during the suit such sum not exceeding one-fifth of the husband's net income, as the Court, considering

Alimony *pendente lite.*

the circumstances of the parties, shall think reasonable.

Permanent alimony.

34. The Court may, if it shall think fit on any decree for divorce or judicial separation, order that the husband shall, to the satisfaction of the Court, secure to the wife such gross sum, or such monthly or periodical payments of money for a term not exceeding her life as, having regard to her own property (if any), her husband's ability and the conduct of the parties, shall be deemed just, and for that purpose may require a proper instrument to be executed by all necessary parties and suspend the pronouncing of its decree until such instrument shall have been duly executed. In case any such order shall not be obeyed by her husband, he shall be liable to damages at her suit, and further to be sued by any person supplying her with necessaries, during the time of such disobedience, for the price or value of such necessaries.

Payment of alimony to wife or to her trustee.

35. In all cases in which the Court shall make any decree or order for alimony, it may direct the same to be paid either to the wife herself, or to any trustee on her behalf to be approved by the Court, and may impose any terms or restrictions which to the Court may seem expedient, and may from time to time appoint a new trustee, if for any reason it shall appear to the Court expedient so to do.

(d). For Restitution of Conjugal Rights.

Suit for restitution of conjugal rights.

36. Where a husband shall have deserted or without lawful cause ceased to cohabit with his wife, or where a wife shall have deserted or without lawful cause ceased to cohabit with her husband, the party so deserted or with whom cohabitation shall have so ceased, may sue for the restitution of his or her conjugal rights, and the Court, if satisfied of the truth of the allegations contained in the plaint and that there is no just ground why relief should not be granted, may proceed to decree such restitution of conjugal rights accordingly. If such decree shall not be obeyed by the party against whom it is passed, he or she shall be liable to be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

No suit to be brought to enforce marriage or contract arising out of marriage when husband under sixteen years or wife under fourteen years.

37. Notwithstanding anything hereinbefore contained, no suit shall be brought in any Court to enforce any marriage between Parsees or any contract connected with or arising out of any such marriage, if, at date of the institution of the suit, the husband shall ont have completed the age of sixteen years, or the wife shall not have completed the age of fourteen years.

Suits may be heard with closed doors.

38. In every suit preferred under this Act, the case shall be tried with closed doors should such be the wish of either of the parties.

Stamps on plaints and petitions.

39. Every plaint and petition of appeal preferred under this Act shall bear a stamp of thirty-two Rupees, and all other instruments and writings of the kind specified as requiring a stamp in Schedule B to Act No. X of 1862 (*to consolidate and amend the Law relating to Stamp Duties*) and exhibited in a suit under this Act shall be stamped in accordance with the provisions of the said Act No. X of 1862.

Provisions of Civil Procedure Code to apply in suits under this Act.

40. The provisions of the Code of Civil Procedure shall, so far as the same may be applicable, apply to suits instituted under this Act.

Determination of questions of law and procedure, and of fact.

41. In suits under this Act all questions of law and procedure shall be determined by the presiding Judge; but the decision on the facts shall be the decision of the majority of the Delegates before whom the case is tried.

Appeal to High Court.

42. An appeal shall lie to the High Court from the decision of any Court established under this Act, whether a Chief Matrimonial Court or a District Matrimonial Court, on the ground of the decision being contrary to some law or usage having the force of law, or of a substantial error or defect in the procedure or investigation of the case which may have produced error or defect in the decision of the case upon the merits, and on no other ground: Provided that such appeal be instituted within three calendar months after the decision appealed from shall have been pronounced.

Liberty to parties to marry again.

43. When the time hereby limited for appealing against any decree dissolving a marriage shall have expired and no appeal shall have been presented against such decree, or when any such appeal shall have been dismissed, or when in the result of any appeal any marriage shall be declared to be dissolved, but not sooner, it shall be lawful for the respective parties thereto to marry again, as if the prior marriage had been dissolved by death.

V.—*Of the Children of the Parties.*

Custody of children *pendente lite.*

44. In any suit under this Act for obtaining a judicial separation or a decree of nullity of marriage, or for dissolving a marriage, the Court may from time to time pass such interim orders and make such provision in the final decree as it may deem just and proper, with respect to the custody, maintenance and education of the children under the age of sixteen years, the marriage of whose parents is the subject of such suit, and may, after the final decree, upon application by petition for this purpose, make from time to time all such orders and provisions with respect to the custody, maintenance and education of such children as might have been made by such final decree, or by interim orders in case the suit for obtaining such decree were still pending.

Orders as to custody of children after final decree.

Settlement of wife's property for benefit of children.

45. In any case in which the Court shall pronounce a decree of divorce or judicial separation for adultery of the wife, if it shall be made to appear to the Court that the wife is entitled to any property either in possession or reversion, the Court may order such settlement as it shall think reasonable to be made of such property or any part thereof, for the benefit of the children of the marriage or any of them.

VI.—*Of the Mode of enforcing Penalties under this Act.*

Cognizance of offences under this Act.

46. All offences under this Act may be tried by any Officer exercising the powers of a Magistrate unless the period of imprisonment to which the offender is liable shall exceed that which such Officer is competent to award under the law for the time being in force in the place in which he is employed. When the period of imprisonment provided by this Act exceeds the period that may be awarded by such Officer, the offender shall be committed for trial before the Court of Session.

Punishment of offences under this Act committed within local limits of High Court.

47. If any offence which by this Act is declared to be punishable with fine, or with fine and imprisonment not exceeding six months, shall be committed by any person within the local limits of the ordinary original Civil jurisdiction of the High Court, such offence shall be punishable upon summary conviction by any Magistrate of Police of the place at which such Court is held.

Levy of fines by distress.

48. All fines imposed under the authority of this Act may, in case of non-payment thereof, be levied by distress and sale of the offender's movable property by warrant under the hand of the Officer imposing the fine.

Procedure until return is made to distress warrant

49. In case any such fine shall not be forthwith paid, such Officer may order the offender to be arrested and kept in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such Officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress.

Imprisonment if no sufficient distress.

50. If upon the return of the warrant it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Officer, by the confession of the offender or otherwise, that he has not sufficient movable property whereupon such fine could be levied if a warrant of distress were issued, any such Officer may, by warrant under his hand, commit the offender to prison, for any term not exceeding two calendar months when the amount of fine shall not exceed fifty Rupees, and for any term not exceeding four calendar months when the amount shall not exceed one hundred Rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount of fine.

VII.—*Miscellaneous.*

Rules of procedure of Parsee Matrimonial Courts to be made by the High Court.

51. Subject to the provisions contained or referred to in this Act, the High Court shall make such rules and regulations concerning the practice and procedure of the Parsee Chief and District Matrimonial Courts in the Presidency or Government in which such High Court shall be established, as it may from time to time consider expedient, and shall have full power from time to time to revoke or alter the same. All such rules, revocations and alterations shall be published in the Official Gazette.

Power to invest Chief Executive Officer with powers of Local Government.

52. The Governor General of India in Council may invest the Chief Executive Officer of any part of British India, under the immediate administration of the Government of India with the powers vested by this Act in a Local Government.

Commencement and extent of Act.

53. This Act shall commence and take effect on the first day of September 1865, and shall extend to the whole of British India.

SCHEDULE.—(*See Section 6.*)

Date and place of Marriage.	Names of the Husband and Wife.	Condition at the time of Marriage.	Rank or Profession.	Age.	Residence	Names of the Fathers or Guardians.	Rank or Profession.	Signature of the Officiating Priest.	Signatures of the Witnesses.	Signature of father or guardian when husband or wife is an infant.

WHITLEY STOKES,
Offg. Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 7th April 1865, and is hereby promulgated for general information:—

ACT No. XVI OF 1865.

An Act to remove doubts as to the jurisdiction of the Revenue Courts in the Province of Oude in suits relating to land, and to enlarge the period of limitation in such suits.

Preamble.

Whereas, before the introduction of the Code of Civil Procedure into the Province of Oude, the jurisdiction in suits relating to the title or succession to land in the said Province or to the possession of land, or to any right in respect of any land, was vested exclusively in the Courts of Revenue and in the Financial Commissioner, and after that office became vacant, in the Chief Commissioner; And whereas since the introduction of the said Code doubts have arisen whether such suits are cognizable in the first instance by the ordinary Civil Courts and on appeal by the Judicial Commissioner, or in the first instance by the Revenue Courts and on appeal by the Chief Commissioner, or Financial Commissioner whose office has now been revived; And whereas it is expedient to remove such doubts and to enlarge the period of limitation within which certain classes of suits may be entertained under this Act; It is enacted as follows:—

Interpretation Clause.

1. In the construction of this Act, except where there is something repugnant in the subject or context—

Number.

Words in the singular number shall include the plural, and words in the plural number shall include the singular.

"Courts of Revenue."

"Courts of Revenue" include Officers employed in making or revising Settlements.

"Land."

"Land" does not apply to any land excluded from a Settlement of Land Revenue, whether the Revenue be paid to Government or to the assignee of Government.

Suits and appeals relating to land during progress of Revenue Settlement to be cognizable by Courts of Revenue and Financial Commissioner.

2. In any District in the Province of Oude in which a Settlement of the Land Revenue is in progress, all suits of whatever description arising in such District relating solely to the title or succession to land, or to the possession of land, or to any right in respect of any land, shall, during the continuance of such Settlement, and for such further period thereafter as the Governor-General of India in Council, by notice to be published in the Official Gazette, may appoint, be cognizable in the first instance in the Courts of Revenue of the said Province, and in the last resort upon appeal by the Financial Commissioner. The Governor General of India in Council may invest any Officer with the powers of a Court of first appeal between the Court of first instance and the Financial Commissioner, and shall fix the periods within which appeals shall be preferred from the decision of the Court of first instance to the Court of first appeal, or, when there is no such Court, to the Financial Commissioner, and from the decisions of the Court of first appeal, when there is such Court, to the Financial Commissioner: Provided that where in a case of succession or inheritance the claim shall relate not only to land but to land and other property not permanently attached to the land comprised in the claim, neither the Revenue Courts nor the Financial Commissioner shall have jurisdiction under this Section.

Powers of Financial Commissioner as highest Court of appeal.

3. The Financial Commissioner shall, with respect to suits cognizable by the Revenue Courts under the second Section of this Act, be deemed the highest Court of appeal in the Province of Oude within the meaning of the Code of Civil Procedure, and shall have and exercise in respect of such suits all the powers vested in the Sudder Court and shall be subject to all the rules prescribed with reference to the Sudder Court by such Code, subject to the restrictions, limitations and provisos, with which the Code was extended to the said Province as contained in the declaration of the Governor-General in Council, bearing date the 6th August 1861. Subject to the same restrictions, limitations and provisos, the proceedings of the Courts of first appeal and the Courts of first instance shall be regulated by the Code of Civil Procedure.

Suits not to be instituted or tried by any other than the Court or authority before specified.

4. Subject to the proviso in the second Section of this Act, no suit relating to the title or succession to land in Oude, or to the possession of land, or to any right in respect of any land shall, during the period limited in the said Section, be instituted or tried in any Court or before any Authority, except in the Courts or before the Authorities hereinbefore in that behalf specified.

Limitation rules not to apply to certain suits relating to under-tenures.

5. No suit relating to any under-tenure which shall be cognizable in any Revenue Court under this Act shall be debarred from a hearing under the rules relating to the limitation of suits in force in the Province of Oude, if the cause of action shall have arisen on or after the thirteenth day of February 1844. Provided that this Section shall not apply to any suit by a person claiming only a right to cultivate as a tenant-at-will, or as a tenant with the right of occupancy, or as a tenant at fixed or favourable rates.

Certain suits relating to under-tenures dismissed on ground of limitation-bar may be revived.

6. Any suit or appeal relating to any under-tenure (not being a suit within the proviso contained in the last preceding Section) cognizable under this Act by any Revenue Court, which may have been rejected or dismissed on the ground that the suit was barred by lapse of time under the law of limitation in force in the Province of Oude, may be revived and heard on the merits, if the cause of action shall have arisen on or after the date mentioned in the last preceding Section: Provided that a petition for the revival of the appeal or suit be presented in the Court of the Financial Commissioner if the rejection or dismissal took place in appeal, or in the Court of first instance if the rejection or dismissal took place in that Court, within six calendar months from the date of the passing of this Act. The petition may be written on paper bearing the stamp required for petitions presented to the Financial Commissioner or subordinate Revenue Court, as the case may be.

Procedure applicable to suits relating to land instituted after period mentioned in Section 2.

7. All suits relating to the proprietary right in, succession to or possession of, any land, or to any right in respect to any land, which shall be instituted after the expiration of the period appointed in the second Section of this Act, shall be heard and determined in the Civil Courts of the Province of Oude according to their respective jurisdictions, under and subject to all the rules contained in the Code of Civil Procedure as the same shall have been extended to such Province, and not otherwise.

Saving of orders and decisions of Revenue Courts after the extension of Code of Civil Procedure to Oude.

8. No order or decision made or passed by any Revenue Court in Oude subsequently to the extension of the Code of Civil Procedure to the Province and before the passing of this Act, in any suit relating to the proprietary right in, succession to or possession of, any land, or to any right in respect of any land in the said Province, shall be invalid by reason of anything contained in the said Code.

WHITLEY STOKES,

Offg. Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

HOME DEPARTMENT.

No. 3204.

Fort William, the 1st April 1865.

NOTIFICATIONS.

The following promotion is sanctioned in the Telegraph Department from the date of Lieutenant Colonel P. Stewart's death :—

Mr. C. Galbraith, Superintendent, at present officiating as Director of the Western Division, to be Director.

No. 3205.

The 5th April 1865.

The Governor General in Council directs the publication of the following Despatch from the Right Hon'ble the Secretary of State for India, No. 32, dated the 17th February 1865.

The Rules contained in this Despatch supersede those published in the *Gazette of India* of the 15th October 1864 :—

FINANCIAL. INDIA OFFICE,
No. 32. *London, 17th February* 1865.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,—I have considered in Council your Ecclesiastical letter dated the 8th December last, No. 13, in which you recommend for favourable consideration the proposition of the Bishop of Calcutta that Chaplains who may retire prior to the occurrence of a vacancy in the Senior Chaplaincies, and who would consequently only receive a pension of £292 per annum, may be admitted to the increased pension of £365 as soon as a vacancy occurs which would render pensions of that amount available.

2. On a reconsideration of the whole question, and the inconvenience shown to be likely to arise from not limiting the period of Chaplains' service, Her Majesty's Government are of opinion that, instead of acceding to the proposition now submitted, it would be better, for the interests of the service, that the following Rules should be published in substitution of those sanctioned in my Financial Despatch of the 30th July last, No. 186, to take effect from the 15th October last, the date of the publication of that Despatch in India :—

I.—A Chaplain retiring after completing the full period of service, as prescribed by Government Regulations, shall receive a pension of £365 per annum. This rule to come into operation in each Presidency as soon as either of the two Senior Chaplaincies in that Presidency is vacant.

II.—Every Chaplain shall be compelled to retire after 25 years from the date of the commencement of his service in India, unless specially retained in the service by the Secretary of State for India in Council, on the recommendation of the Governor General in Council or Governor in Council of his Presidency. This rule to come into operation in three years.

III.—During the next three years, the second Chaplain may succeed to the Senior Chaplaincy, and the third to the second Chaplaincy; but if either of them accepts that advantage, he thereby forfeits his claim to the increased pension. After three years there shall be no more appointments to the two Senior Chaplaincies, but the incumbents then existing, if any, may retain them, unless they fall under the operation of Rule II. The incumbents now existing, in order to entitle themselves to the increased pension, must resign before the end of three years.

IV.—The lower rates of pension payable to Chaplains compelled by ill health to retire after a shorter period of service, shall remain as at present.

I have, &c.,
(Sd.) C. WOOD.

No. 3206.

Mr. F. M. Lind, of the Civil Service, is permitted to proceed to Europe on furlough for a period of three years from the date of embarkation.

No. 3207.

The Governor General in Council has been pleased to grant to Mr. H. B. Medlicott, Deputy Superintendent of the Geological Survey of India, leave of absence for 6 months, under para. 12, Clause 1 of the Uncovenanted Absentee Rules, with effect from the date on which he may avail himself of the same.

No. 3208.

The 6th April 1865.

Mr. H. D. Willock, of the Civil Service, has reported his departure from India per "Mooltan," which vessel was left by the Pilot at Sea on the 24th of March.

No. 3209.

The Right Reverend the Lord Bishop of Calcutta has granted ten days' privilege leave to the Revd. C. S. P. Parish, Chaplain of Moulmein, in extension of the leave granted to him on the 13th of January.

No. 3210.

The Governor General in Council is pleased to invest the under-mentioned Tehsildar in the Central Provinces with the prwers of a Subordinate Magistrate of the 2nd Class described in Chapter II, Section 22 of Act XXV of 1861 :—

Tukhut Sing, Tehseeldar of Hutta, in the Dumoh District.

No. 3212.

Lieutenant M. M. Bowie, Assistant Commissioner, Sumbulpore, in the Central Provinces, officiated as District Superintendent of Police of that District from the 24th October 1864 to the 15th Februrary 1865. This cancels Notification No. 1766, dated 23rd February 1865.

No. 3214.

The Governor General in Council is pleased to appoint Mr. J. Hornby, Inspector of Police, to officiate temporarily as District Superintendent of Police, Chindwarra, vice Captain E. B. Clay, resigned.

No. 3216.

The 7th April 1865.

Mr. Frank Wyllie, Assistant Secretary to the Chief Commissioner of the Central Provinces, to officiate as Director of Public Instruction in those Provinces, in addition to his own duties, as a temporary arrangement.

No. 3218.

The Governor General in Council is pleased to attach Messrs. F. W. R. Fryer, S. S. Thorburn, and J. W. Gardiner, of the Civil Service, reported qualified for the Public Service, to the North Western Provinces, the Punjab, and Oude, and to place their services at the disposal of the Foreign Department for employment in the Punjab.

No. 3219.

The Governor General in Council is pleased to appoint Major A. E. Wilkinson, Assistant Commissioner, 3rd Grade, in Oude, to officiate as City Magistrate of Lucknow during the absence on leave of Major Chamberlain, or until further orders.

No. 3221.

Major T. H. Chamberlain, City Magistrate, Lucknow, availed himself on the afternoon of the 10th ultimo of the twenty-four days' preparatory leave granted him in G. O. No. 2220, dated 10th idem.

No. 3223.

With reference to Section 3 of Act XXII of 1864, the Governor General in Council is pleased, under Section 23 of the Code of Criminal Procedure, to invest the following Officers with the powers of a Magistrate :—

Captain R. A. Cole, within the limits of the Cantonment of Bangalore.

Major R. Renton, within the limits of the Cantonment of Mysore.

E. C. Bayley,
Secy. to the Govt. of India.

No. 3229.

The 7th April 1865.

The under-mentioned specification of an invention has been filed under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. A copy has been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of the specification is open at all reasonable hours at the Office of the Secretary to the Government of India in the Home Department, to public inspection, upon payment of a fee of one Rupee. A certified copy of the specification will be given to any person requiring the same on payment of copying :—

No. 225.—John Dodd, of Oldham, in the county of Lancaster in England, Mechanical Engineer, for "improvements in mules for spinning and doubling."

Lieutenant C. A. McG. Skinner, R. E., 2nd Assistant, Great Trigonometrical Survey, to officiate for Captain C. T. Haig, R. E., 1st Assistant, Great Trigonometrical Survey, during that Officer's absence in Europe in furlough, or until further orders.

No. 3235.

Under the provisions of Section 12 of Act XXII of 1864, the Governor General in Council is pleased to extend Section 34 of Act V of 1861 to the Cantonments of Lucknow and Fyzabad.

A. M. Monteath,
Under Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

Judicial.

No. 123.

Fort William, the 5th April 1865.

The Governor General in Council is pleased, with reference to Section 11, Act VIII of 1855, to declare the Province of Coorg subject to the Presidency of Madras for the purposes of the said Section.

No. 795.

The 6th April 1865.

A Commission of the Peace was issued from the High Court of Judicature in Bengal on the 24th ultimo, directed to the under-mentioned Officers serving in the Central Provinces and in Rajpootana :—

Central Provinces.

Captain Elliot Minto Playfair, Cantonment Joint Magistrate of Kamptee.

Rajpootana.

Lieutenant Arthur Neil Bruce, Assistant to the Agent, Governor General.

Lieutenant William James Wemyss Muir, Assistant to the Agent, Governor General.

Lieutenant James Jenkins Blair, Assistant to the Agent, Governor General.

Lieutenant Arthur William Roberts, Officiating Assistant to the Agent, Governor General.

Lieutenant Colonel William Frederick Eden, Political Agent, Meywar.

Lieutenant Colonel John Cheap Brook, Political Agent, Jeypore.

Captain William Howell, Beynon, Officiating Political Agent, Jeypore.

Major John Piggott Nixon, Political Agent, Marwar.

Captain Charles Kenneth Mackenzie Walter, Political Agent, Bhurtpore.

Captain Henry Phillpotts, Officiating Political Agent, Harrowtee.

Lieutenant Colonel John Francis William Devereux Hall, Political Superintendent, Serohie.

Revenue.

No. 154.

The 30th March 1865.

Notifications.

The following Rules for the grant of waste lands in British Burmah, alternative to the Rules

published in Notification No. 150 A, dated 30th June 1863, are published for general information :—

A. COLVIN,

Offg. Under Secy. to Govt. of India.

REVISED RULES.

Classification of land.

I.—The waste lands in the Province of British Burmah shall be classed as follows, and being the property of the State, the local Revenue Officers are, subject to the confirmation and orders of the Governor General in Council, hereby authorized to give grants of the same to all persons rent-free, and liable to future assessment for the periods, and at the rates specified underneath. No deduction will be made on account of sites of houses, water courses, roads, and so forth.

Class.	Description of Jungle land.	Duration of tenure free.	Rates of future assessment and duration thereof.			Total.
			4 annas per acre.	8 annas per acre.	12 annas per acre.	
		Years.	Years.	Years.	Years.	Years.
1	Forest jungle on hills -	32	8	8	16	64
2	Forest on plains, including Mangrove and other trees, jungle in swamp -	24	6	6	12	48
3	Bush jungle, all kinds every where -	16	4	4	8	32
4	Reed and long grass jungle -	8	2	2	4	16
5	Short grass jungle and fallow land -	4	1	1	2	8

On the expiration of the complete term of years of each grant, as above set forth, it shall be at the option of the grantee to demand a settlement of the land revenue of his grant in perpetuity at the rate of one rupee and a half for each acre, per annum, payable to Government, and such payment shall be the maximum rate payable for ever, as land revenue for such grant.

Class of three-fourths to determine class of whole.

II.—In determining the class to which each grant may belong, and to avoid vexatious investigations, the character of three-fourths of the area, or as near that proportion as is possible, is to be considered as that of the whole.

The revised rates per acre payable under Rule I, will be declared applicable to all grants made under the Rules for Pegu, passed by the Governor General in Council on the 6th March 1861, and under the Rules for Arracan, passed on 5th September 1839, and amended on the 5th October 1841, on the grantees agreeing to pay the following cesses to form local funds, viz. :—

For Roads	1	per cent.
„ Education	1	„
„ District Dâk	¼	„
„ Village Chowkeedarree	2¾	„
Total	5	per cent.

On the annual amount of assesment for the land revenue, and in addition to such land revenue.

All grants made under these present rules will also be liable to cesses of the same amount for the same objects, and these cesses shall be payable at the same time that revenue is payable by the owner of the grant, and default will be treated in like manner as default in payment of land revenue.

Grants not to be more than 10,000 acres.

III. No grant for agricultural purposes is to be made under these rule of a greater extent than ten thousand (10,000) acres, or within a distance of four miles from the nearest part of the boundary of the jurisdiction of the town Magistrates of Rangoon, Moulmein, and Akyab, and from the Court Houses of the Deputy Commissioners of all other districts. Within the above limits it shall be competent for the Deputy Commissioner, with the sanction of the Commissioner, to make grants under these rules, not exceeding (100) one hundred acres, and upon such conditions as, with reference to the nature and situation of the land applied for, may be specially fixed and determined, these rules being taken as a general guide for the terms.

Grant not to include Fisheries, Forests, &c.

IV. Provided that no grant of land shall, unless under special sanction of the Commissioner, be made to include any portion of a fishery leased out by Government, or any right of way thereto, nor any teak forests, nor any land used for the manufacture of Salt, nor any navigable streams, nor land below high water mark on the sea shore, or on *tidal streams;* and provided also that the right of Government to resume portions of any grant required for public roads or other works, shall in in all cases be, and is hereby reserved, and such resumption shall be made under Act VI of 1857, or other similar Act in force at the time such grant shall be made.

To be the hereditary property of the grantee.

V. All lands assigned under these rules shall be the hereditary property of the grantees on the fulfilment of the prescribed conditions, and on the execution of a bond binding themselves to abide by the prescribed conditions, they shall be entitled to a grant to the above effect.

Resumption of Grants.

VI. Should any grantee neglect to fulfil the terms specified in these rules, or any portion of them, the grant is to be resumed, but no resumption is to be made without due notice having been served on the grantee, requiring him to show cause why his Estate should not be resumed; after which proceedings are to be held, and the decision to be formally recorded in each case, the same being open to appeal in the usual manner.

Grantees to be entitled to fresh leases.

VII. Grantees who have not purchased exemption from payment of land revenue, or who have not made engagements for a maximum assessment under Rule I, shall, on the expiration of the periods stated in the last column of the table annexed to Rule I, viz:—.

1st Class	64 years.
2nd „	48 „
3rd „	32 „
4th „	16 „
5th „	8 „

be entitled to a new lease of *not less* than 20 years' duration, and on the expiration thereof to further renewal for a similar period, and the same on the lapse of each successive lease, provided that they agree to fair terms of assessment.

Revision of settlement.

VIII. On the renewal of each lease, granted after the expiration of the period noted in the last column of the table of Rule I, the local Revenue Officers may, with the sanction of the Governor General in Council, revise the settlement, and if the grantee has not accepted the maximum rate in perpetuity provided for in Rule I, may impose upon the area of each grant an assessment not exceeding the average rates of assessment per acre of lands of similar quality in the circles immediately adjoining the grant; and in like manner should a grantee be able to satisfy the local Revenue Authorities that his assessment is higher than the average tax of similar lands, in the adjoining circles, assessed on account of Government, he will be entitled, at the renewal of his lease, to an abatement of his assessment for the term of the said lease, so that he shall not be required to pay more than the fair average assessment of the lands in his vicinity.

Rate of assessment not to be altered before expiration of lease.

IX. A lease or grant having once been confirmed by competent authority, no alteration of rate of assessment is to be allowed until its expiration.

Assessment to be fixed by Arbitrators.

X. On the revision of any settlement consequent on the renewal of a lease, the rate of assessment is, in the case of a difference arising between the grantee and the Assessing Officer, to be fixed by three Arbitrators, one of whom is to be nominated by the grantee, one by the Assessing Officer, and the third by the two individuals appointed above, and their decision is not to be reversed, except by the order of the Governor General in Council.

Grants of 200 acres not under Thoogyee.

XI. Grants of 200 acres and upwards shall not be placed under the authority of the Thoogyee or other manager of the circle in which they may be situated. When grants of the above extent become liable to assessment, each grantee shall be entitled to a separate settlement direct with the local Revenue Officer Officer whatever may be the amount of assessment.

Written Rent Bills and Bonds required.

XII. Grantees are hereby required to furnish each cultivator annually with a Bill of demand, written in the Burmese language, specifying every thing he is to pay, and he is entitled to receive a Bond from the cultivator, promising to pay the amount. No. suit regarding rent is to be entertained in Court except upon written agreement.

Grantees to have Capital.

XIII. All applicants for grants must satisfy the local Revenue Officers that they possess the means of redeeming the lands required by them, or Capital as per annexed scale—

1st class jungle,	Rs.	15	per Acre.
2nd „	„	12	„
3rd „	„	9	„
4th „	„	6	„
5th „	„	3	„

and if dissatisfied with that Officer's estimate of their resources, they may, within three months, appeal to the Commissioner whose decision is to be final.

Register of Grants.

XIV. Every grant shall be registered in such manner as the Governor General in Council may direct, its situation, extent, and boundaries being duly recorded, and on every occasion of transfer of the proprietary right, subsequent to the expiration of the first lease, whether from the death of the former owner, from sale, or any other cause, the same is to be notified to the proper Officer, and the cause of transfer and the name of the new proprietor, registered. No proprietary right to the land or its rent shall be recognized by any Court in British Burmah, unless the proprietor's name has been registered. When there are several shareholders in a grant, the names of all must be registered as the legal and responsible grantees thereof. They are jointly and severally responsible for the payment of revenue and for all duties required from a grantee. The Deputy Commissioner in each district is *ex-officio* Registrar of Grants made under these rules.

Transfer of Grants.

XV. In cases of transfer by sale or assignment of a grant, the same is to be acknowledged by both parties in person, or by accredited Agents, before the Registering Officer at the time of registry, and the registry is to be attested by the principals or their Agents, and also by at least two competent witnesses whose names and places of abode are to be inserted.

Grant to be surveyed.

XVI. A survey is to be made of each grant as soon as possible, and any person convicted of having fraudulently extended his boundaries, shall be liable to be deprived of the land he has fraudulently appropriated, and to a fine not exceeding one hundred (100) Rupees for every acre so appropriated. If the said fine be not paid, the amount will be leviable by distress, and the sale of his property, real and personal. Should the proprietor be dissatisfied with the first survey, he may have the land re-surveyed, on depositing the probable expense.

XVII. The grantee is responsible for the collection of capitation tax, from all persons liable thereto, under the Revenue Rules of of British Burmah. He also in his bond, taken under Rule VI., will bind himself to observe the said Rules. A grant under these Rules will entitle the grantee to all mineral products found therein, but the said minerals will, except coal, which will be free, be subject to a royalty not exceeding five per cent. on the value thereof, whether manufactured or otherwise, within the grant where they have been found. The value of such mineral products shall be fixed from time to time, in each case, by the Deputy Commissioner, the order for the said value being open to appeal and revision in the usual manner.

Settlers not exempt from capitation tax.

XVIII. Any person who having obtained a grant of waste land in British Burmah, shall fail in the prescribed conditions, shall not be deemed eligible to receive another grant, unless he can satisfy the Local Authorities that the causes of his failure were entirely beyond his control.

Grantees who have failed to fulfil conditions not to receive other grants.

XIX. The land measure to be used for grants throughout the province of British Burmah, is as follows:—

Land measure.

Square feet.	
226·875	= 1 pie.
2,722·5	= 1 anna.
43,560	= 1 acre.

FORM No. 1.

Form of Application for the grant of Waste Lands.

To

THE DEPUTY COMMISSIONER OF

The Petition of _____

Name, occupation, and residence in full.

RESPECTFULLY SHOWETH—

That your Petitioner is desirous of obtaining, under the Rules sanctioned by the Government of India, dated _____ a grant of waste land situated in the village of _____ circle of _____ Township of _____ bounded on the North by _____ on the East by _____ on the South by _____ on the West by _____ and roughly estimated to contain about _____ acres.

That your Petitioner is prepared to satisfy you that he is possessed of sufficient means to redeem the said land, agreeably to para. 15 of the said Rules.

That your Petitioner therefore prays that you will be pleased to appoint a Surveyor to make a plan of the said land, and on the said plan being delivered to you, that you will be pleased to declare to what class the said land belongs, under Section 1 of the Rules aforesaid. Whereupon your Petitioner undertakes to execute the bond required by Section 7 of the Rules aforesaid.

Dated _____

And your Petitioner as in duty bound will ever pray.

FORM No. 2.

Form of order by the Deputy Commissioner on a petition for the grant of Waste Land.

Revenue side.

In the Court of the Deputy Commissioner of _____

The _____

No. _____ of 186 -6.

_____ Petitioner.

For a grant of waste land in _____
Read the petition of _____
praying for a grant of waste land in village _____ Circle _____ Township.

Ordered

That Surveyor _____ proceed with the Petitioner, and in presence of the Thoogyee of the Circle make a plan of the land which may be pointed out to him by the said _____ particularly noting the description of the land, or of each several portion of the land, if composed of different descriptions, and whether there are any occupants or any claimants to any portion of the land.

The plan to be filed in Court on or before the _____

Deputy Commissioner.

FORM No. 3.

Form of order of the Deputy Commissioner on the plan being filed.

Revenue side.

In the Court of the Deputy Commissioner of _____

The _____

No. _____ of 186 -6.

_____ Petitioner.

Whereas _____ has filed the plan agreeably to the order of the Court in this case, dated _____ and it appearing from the said plan that the land for which the Petitioner _____ has made an application measure _____ acres _____ annas _____ pies, that no one has any right of property therein, and that no objection exists to granting it away, that it belongs to the _____ Class, that is to say, (reed and long grass jungle, or as the case may be), and the said _____ having satisfied me that he possesses sufficient means to redeem the

said land agreeably to Section 15 of the Rules for granting waste lands, dated _____186 ,

It is ordered

That on the said _____ executing the bond required by Section 7 of the said Rules, the aforesaid land measuring _____ acres _____ annas _____ pie, and situated and bounded as described in the plan annexed to the proceedings, be granted to the said _____ at the following rent :—

From 186 -6 to 18 ; _____ Free.
,, _____ Rs. ____ A. ___ P. ___
,, _____ Rs. ____ A. ___ P. ___
,, _____ Rs. ____ A. ___ P. ___

and subject to the other terms and conditions of the Rules for the granting of waste land in the Province of British Burmah, sanctioned by the Government of India under date the _____ 186 .

Deputy Commissioner.

FORM No. 4.

Form of Bond under Rule V.

Whereas the Deputy Commissioner of _____ has by an order passed on the _____ in Revenue case No. of 186 -6 declared himself willing to confer on me a grant of a parcel of waste land, measuring _____ acres _____ annas _____ pie, situated in the village of _____ Circle of _____ Township of _____ and bounded on the North by _____ on the East by _____ on the South of _____ on the West by _____ on condition of my executing a bond binding himself to abide by the conditions prescribed in certain Rules for the granting of waste land in the Province of British Burmah, sanctioned by the Government of India, under date the 186 .

Now I, _____ do, in consideration of the said promise, hereby agree and bind myself, my heirs, executors, administrators, and assigns, to abide by all the conditions prescribed by the said Rules, as applicable to the parcel of land above described, so long as the said land shall continue in the possession of myself or of my said heirs, executors, administrators, or assigns; failing wherein, the Deputy Commissioner or other Officer duly empowered shall be entitled to cancel the said grant and to resume the said lands on behalf of Government. And I do further agree to observe and abide by the General Revenue Rules of the Province of British Burmah as now existing.

Witness my hand this _____ day of _____

In the presence of _____

FORM No. 5.

Form of Order by the Deputy Commissioner on the Bond required by Rule V being filed duly executed.

Revenue side. In the Court of the Deputy Commissioner of _____

The _____

No. _____ of 186 .

_____ Petitioner.

Whereas the Petitioner _____ has duly executed the Bond required of him by the order of the Court, passed in this case on the _____

It is ordered

That a grant of the land be delivered to the said _____ agreeably to the said order, and that he be registered as the proprietor thereof.

Deputy Commissioner.

FORM No. 6.

Form of Grant of Waste Lands.

Whereas _____ has applied for a grant of a parcel of waste land, measuring _____ acres _____ annas _____ pie, situated in the village of _____ Circle of _____ Township of _____ bounded on the North by _____ on the East by _____ on the South by _____ on the West by _____

And whereas the said _____ has executed a bond agreeing, in consideration of obtaining the said grant, to abide by the conditions prescribed by the Rules for the granting of waste land in the Province of British Burmah, sanctioned by the Government of India, under date _____

Now I, _____ Deputy Commissioner of _____ by virtue of the power and authority vested in me by the said Rules, subject to the confirmation and orders of the Governor General of India in Council, do hereby grant unto the said _____ his heirs, executors, administrators, and assigns, the parcel of land heretofore described, conditional on the payment of rent and cesses for local purposes by the said _____ at the rates and in the manner prescribed in the Rules aforesaid, and on his abiding by all other conditions of the Rules aforesaid.

And in the event of the said _____ his heirs, executors, administrators, or assigns failing to pay rent and cesses as aforesaid, or to abide by any other of the conditions aforesaid, then these presents to be null and void and of no other effect, and the parcel of land aforesaid to revert to and

become the entire and absolute property of Government, free and quit of any claim whatsoever in, to, or on account of, the said land on the part of the said _____ his heirs, executors, administrators, or assigns.

Given under my hand and seal this _____ day of _____

Deputy Commissioner.

FORM No. 7.

Form of Report of the Officer or Clerk who has charge of the Register of Waste Lands under the Deputy Commissioner.

Certified that, agreeably to the order of the Deputy Commissioner in Revenue case No. _____ of 1865, dated _____ has been this day registered by me as the grantee of a parcel of waste land, me asuring _____ acres _____ annas _____ pie, situated in the village of _____ Circle of _____ Township of _____

No. of Grant, page in the Register

Dated _____

In charge of Register of Waste Lands.

FORM No. 8.

Form of Final Order by the Deputy Commissioner.

Revenue side. In the Court of the Deputy Commissioner of _____

the _____

No. _____ of 186 .

_____ Petitioner.

Read report by _____ that the grant to _____ has been duly registered.

The case to be struck off the file as disposed of.

Deputy Commissioner.

FORM No. 9.

Form of Notice prior to Resumption of a Grant under Rule VI.

Revenue side. In the Court of the Deputy Commissioner of _____

The _____ No. _____ of 186 .

In the matter of the resumption of a grant of waste land in _____ of which _____ is the registered proprietor. To _____ registered proprietor of a parcel of land measuring _____ acres _____ annas _____ pie, situated in _____

Whereas there is good reason to believe that you have failed to abide by Section of the Rules for the grant of waste lands in the Province of British Burmah, sanctioned by the Government of India under date _____

Notice is hereby given to you, agreeably to Section _____ of the said Rules, that you are required to appear in this Court on _____ the _____ to show cause why your estate should not be resumed.

Given under my hand and the seal of the Court this _____ day of _____

Deputy Commissioner.

FORM No. 10

FORM OF BOND BY A CULTIVATOR FOR PAYMENT OF RERT UNDER RULE XII.

I the undersigned_____do hereby agree and bind myself to pay to_____ registered proprietor of the land rented by me as herein below described, rent for the said land for the year_____as under, on or before the_____

No.	Name of Cultivator.	Area of land leased to Cultivator.	Rate per Acre agreed to be paid as rent.	Total amount of rent.	Situation and boundaries of land leased.	REMARKS.

Signed by_____on the_____in the name of_____Cultivator.

FORM No. 11

FORM OF BILL OF DEMAND UNDER RULE XII.

To _____

I hereby demand from you payment on or before the_____of rent for the year 18___ due by you for the land rented by you of me as herein below specified.

No.	Name of Tenant.	Area of land leased by Tenant.	Rate per Acre agreed to be paid as rent.	Total amount of rent.	Situation and boundaries of land rented.	REMARKS.

*Dated*_____ _____*Regtd. Proptr. of the Estate.*

FORM No. 12.

Form of Register of Grants of Waste Lands and subsequent changes of ownership therein,—Vide Rules XIV and XV.

ORIGINAL GRANT.

No. of Grant.	Circle.	Village.	Area of Grant.	Number of Revenue Case containing the plan of the Estate and order for the Grant.	Boundary of Grant.	Date of Grant.	Name of Grantee.	Signature of Deputy Commissioner or other Revenue Officer making the Grant.

CHANGES OF OWNERSHIP IN THE ABOVE GRANT.

Date of Transfer.	By whom transferred.	To whom transferred.	Nature of Transfer.	Signature of party transferring the Estate.	Attestation by Deputy Commr. or Officer in charge of the Regtr.
			Sale, gift or inheritance. *Note.*—Mortgage or lease is not a transfer of Ownership.		

Note.—A separate Register to be kept for each *Township*, and a distinct portion of each Register to be allotted to each Circle.

A separate page to be allotted to *each Grant* as in this form, the upper portion describing the Original Grant and identifying the Estate, the lower portion showing the subsequent changes of ownership.

If a Grant is divided (which can only be done with the special leave of the Deputy Commissioner) the division should be noted in the page belonging to the Original Grant. The divided portions should each be entered afresh on separate pages, the numbers of which should be noted on the page belonging to the Original Grant for facility of reference.

POLITICAL.

No. 296.

The 5th April 1865.

Mr. W. S. Steel, Consul for His Majesty the King of the Netherlands, and Vice Consul for His Majesty the King of Denmark at the port of Rangoon, resumed charge of his duties on the 21st of February 1865.

GENERAL.

No. 780.

Assistant Surgeon W. J. Moore resumed medical charge of the Joudhpore Political Agency on the afternoon of the 12th March.

No. 781.

Mr. R. Temple, Chief Commissioner of the Central Provinces, has obtained leave of absence on private affairs for six months, under Section 9 of the new Civil Service Absentee Rules, together with 20 days' preparatory leave, from the date on which he may make over charge of his office.

The following arrangements are made in consequence :—

Mr. J. S. Campbell, Judicial Commissioner, Central Provinces, to officiate as Chief Commissioner during Mr. Temple's absence.

Mr. R. E. Egerton, Commissioner of the Nagpore Division, to officiate as Judicial Commissioner of the Central Provinces.

Mr. A. C. Lyall, Deputy Commissioner of Hoshungabad, to officiate as Commissioner of the Nagpore Division.

No. 783.

Mr. H. Dennys is appointed to officiate as an Extra Assistant Commissioner in the Central Provinces, in room of Pundit Rai Kishen Narain, absent on leave. Notification No. 105 of 16th January last is accordingly cancelled.

No. 784.

Ashfaq Hossein, Extra Assistant Commissioner of Nursingpore, in the Central Provinces, has obtained five months' leave of absence on private affairs, from the date on which he may avail himself of it.

Nehal Chund, Tehsildar of Gururwara, is appointed to officiate as Extra Assistant Commissioner during the absence of Ashfaq Hossein.

No. 798.

The 6th April 1865.

His Excellency the Governor General in Council is pleased to extend to the Hyderabad Assigned Districts the provisions of Act II of 1863, being an Act to regulate the admission of appeals to Her Majesty in Council from certain judgments and orders in Provinces not subject to the general Regulations.

No. 804.

The 7th April 1865.

The services of Major A. E. Wilkinson, Assistant Commissioner, 3rd grade, in Oudh, are placed temporarily at the disposal of the Home Department.

No. 806.

Lieutenant E. S. Ludlow, Probationary Assistant Superintendent, Mysore Commission, has obtained privilege leave of absence for thirty days from date of departure, to proceed to Madras and Galle.

No. 808.

Mr. G. S. Lang, Assistant Settlement Officer in Oudh, has obtained leave of absence for 18 days from the 15th instant, or any subsequent date, preparatory to applying for furlough to Europe.

No. 812.

His Excellency the Viceroy and Governor General in Council is pleased to make the following appointments in Rajpootana, consequent on the demise of Lieutenant Colonel E. K. Elliot :—

Lieutenant Colonel W. F. Eden to be Agent Governor General for the States of Rajpootana.

Major J. P. Nixon to be Political Agent, Meywar.

Captain E. C. Impey to be Political Agent, Marwar.

A. COLVIN,

Offg. Under Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

No. 1885.

Fort William, the 1st April 1865.

NOTIFICATIONS.

Mr. J. Christie, First Assistant Deputy Auditor and Accountant General, Bombay, to officiate as Civil Pay Master, Bombay, from the date of Mr. Mangle's departure for British Burmah.

No. 1950.

The 6th April 1865.

The under-mentioned Despatch is published for general information :—

FINANCIAL. INDIA OFFICE,

No. 50. *London, 28th February* 1865.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,—With reference to Section 6 of the New Civil Absentee Rules, which limits to one week the period within which Officers absent on privilege leave must rejoin their appointments, after the expiration of such leave, I have to acquaint you that it is not intended that the rule in question should be applied in the cases of Officers who may have been granted privilege leave prior to the date of the publication of the Rules.

I have, &c.,

(Sd.) C. WOOD.

No. 1960.

Mr. W. J. Raynor received charge of the Office of First Assistant Deputy Auditor and Accountant General, Madras, on the 28th March 1865, from which date Messrs. J. Mackey and H. A. Moraes reverted, respectively, to the acting appointments of 2nd Assistant Deputy Auditor and Accountant

General and Chief Assistant in the Office Establishment of the Deputy Auditor, Madras.

No. 1977.

Mr. C. R. Kiernander, Chief Assistant in charge of the Office of Deputy Auditor and Accountant General, British Burmah, has been allowed one month's leave of absence on urgent private affairs.

E. H. LUSHINGTON,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 1st April 1865.

No. 345 *of* 1865.—The services of the under-mentioned Medical Officers are placed at the disposal of the Government of the Punjab :—

Assistant Surgeon A. P. Holmes, M. D., attached to the 37th (The Meerut) Regiment Native Infantry.

Assistant Surgeon E. A. Fitzgerald attached to the 1st Native Infantry.

Assistant Surgeon R. T. Lyons attached to the 20th (Punjab) Regiment Native Infantry.

The 3rd April 1865.

No. 346 *of* 1865.—The services of Apothecary R. E. Wrafter, of the Subordinate Medical Department, were placed temporarily at the disposal of the Government of the North-Western Provinces, with effect from the 1st December 1864.

No. 347 *of* 1865.—The services of Major W. Paske, of the Bengal Staff Corps, are placed at the disposal of the Government of the Punjab.

No. 348 *of* 1865.—The following paragraphs of a Military letter from the Right Hon'ble the Secretary of State for India, No. 45, dated 25th February 1865, are published for general information :—

1. The under-mentioned Officers have been permitted to return to their duty, viz :—

Major H. A. Brownlow.
Captain A. A. Bruce.
Captain H. C. Sitwell.
" J. L. Watts.
Lieutenant R. B. Mackenzie.
" E. Y. Walcott.
" D. Pringle.
Assistant Surgeon T. Duka, M. D.

2. The under-mentioned Officers have been granted extensions of leave for the periods specified, viz :—

Lieutenant Colonel D. S. Dodgson	6	months.
" A. Bagot	6	"
Major J. A. Steel	6	"
" E. Thompson	6	"
Captain A. D. Vanrenen	5	"
" L. de H. Larpent	2	"
" G. Wheeler	6	"
" W. Hichens	6	"
" J. C. Miller	6	"
" P. G. Cornish	6	"
Lieutenant G. R. Hennessy	6	"
" J. M. Glubb	6	"
" J. S. Robinson	6	"
" J Colledge	6	"
" F. W. Macmullen	6	"
Assistant Surgeon N. B. Baillie	6	"
" J. J. T. Lawrence	6	"
" J. Duncan	6	"
Veterinary Surgeon R. W. Murray	6	"

3. Surgeon C. Mathias has been permitted to retire from the service from 27th January 1865.

4 Intelligence has been received of the death of Lieutenant General R. Powney, of the Royal (Bengal) Artillery, on the 23rd January 1865. This casualty will bring Major General Alexander, C. B., into the receipt of the Colonel's allowance. The next vacancy which may occur amongst Officers receiving the Colonel's allowance will lapse as regards that allowance.

No. 349 *of* 1865.—The under-mentioned Officer has reported his return from England :—

	Date of arrival at Fort William.
Assistant Surgeon J. R. Jackson, M. D., of the Medical Department, Superintendent, Allahabad Central Prison.	3rd March 1865.

No. 350 *of* 1865.—The following promotions are made in the under-mentioned Corps of the Native Army :—

Corps.	Rank and Names.	To what rank promoted.	From what date.	In whose room.
Sappers and Miners	Jemadar Gowree Dutt (1)	Subadar ...	1st Oct. 1864.	To complete the Establishment.
Ditto.	Havildar Bindrabund ...	Jemadar ..	Ditto.	Gowree Dutt, promoted.

No. 351 *of* 1865.—Deputy Commissary John Brooke, Sub-Engineer of the Department of Public Works, is permitted to retire from the service on the pension of his rank, with effect from the 31st March 1865, and with permission to reside and draw his pension in Europe.

No. 352 *of* 1865.—The following promotions are made subject to Her Majesty's approval :—

Corps.	Rank and Names.	To what rank promoted.	From what date.	In whose room.
Cadre of the late 50th N. I.	Lieutenant (Captain in the Staff Corps) George Johnston Reeves.	Captain ...	25 Mar. 1865	Brevet Major H. E. Read, deceased.
Cadre of the late 53rd N. I.	*Lieutenant Henry Collett (Staff Corps).	Captain ...	16 July 1864	Captain W. R. E. Alexander, Staff Corps, promoted in Cadre of late 53rd Native Infantry.

This cancels the promotion of Lieutenant R. N. Evans, Cadre of the late 53rd Native Infantry, who died at Sea, when on his way home from India, on the 5th June 1863, announced in Government General Order No. 868 of 1864.

No. 353 *of* 1865.—Deputy Assistant Commissary Alexander Bremner, Sub-Engineer, Department of Public works, is permitted to retire from the service on the pension of his rank, with permission to reside and draw his stipend in India, with effect from the 1st March 1865.

The 4th April 1865.

No. 354 *of* 1865.—With reference to Government General Order No. 857 of the 1st November 1864, the services of Assistant Surgeon T. W. Sheppard are placed at the disposal of the Government North-Western Provinces.

No. 355 *of* 1865.—The under-mentioned Officer is permitted to proceed to Europe on urgent private affairs :—

Lieutenant Edward George Newnham, of the General List Infantry, Doing-duty Officer, 17th Bengal Cavalry,	For 6 months, without pay.

No. 356 *of* 1865.—The under-mentioned Officers are permitted to proceed to Europe on leave of absence on sick certificate :—

Major Henry Murray Garstin, of the Bengal Staff Corps, Commandant of the 42nd (Assam) Regiment Light Infantry.	For 20 months.
Captain (Brevet Major) Archibald Oliver Wood, of the late 14th Regiment Native Infantry.	For 20 months, under the old Regulations.

No. 357 *of* 1865.—The following Military letter from the Right Hon'ble the Secretary of State for India, No. 52, dated 25th February last, is published for general information :—

MILITARY. INDIA OFFICE,
No. 52. *London, 25th February* 1865.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,—Your letter dated 21st December last, No. 491, solicits instructions whether an Officer of a British Regiment which may be ordered home, and embark not long before the completion of his period of probation, may be allowed to continue in India, on Indian pay and allowances, in order to complete the period, pass the tests, and join the Staff Corps.

2. Your Government are of opinion that, if there is any vacancy for the Officer so situated to fill on his passing, or if his joining the Staff Corps will not unduly increase the number of reserve Officers, he may be allowed to remain, provided fair reason for expecting him to pass the tests satisfactorily can be shown, and the application is supported by the Head of his Department and by the Commander-in-Chief.

3. I agree in the view taken by your Government on this subject.

4. This despatch has been submitted to, and has received the concurrence of, the Field Marshall Commanding-in-Chief.

I have, &c.,
(Sd.) C. WOOD.

No. 358 *of* 1865.—The following Military letter from the Right Hon'ble the Secretary of State for India, No. 54 of the 28th February last, is published for general information :—

MILITARY. INDIA OFFICE,
No. 54. *London, 28th February* 1865.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR.—With your letter dated 6th January, No. 13, you transmit papers relative to a question

raised by Dr. F. Anderson, Deputy Inspector General of Hospitals, as to whether an Officer of the Indian Medical Service can retire on half pay under the same conditions as are necessary in the case of an Officer of the British Medical Department, i. e., without residing in a temperate climate for the usual term of a furlough.

2: My despatch dated 16th May last, (No. 152, paragraph 15) out of which this question has arisen, referred to Officers compelled to leave the service on account of ill health, and entitled to half pay pension under present Regulations. By those Regulations an Officer is precluded from retiring from the service on half pay pension in India. Under these circumstances, the view taken by your Government is quite correct, viz., that my despatch referred to merely altered the rate of pension, and did not affect the rule of the service, which requires an Officer, to entitle him to half pay pension, first to try the effects of a temperate climate.

I have, &c.,
(Sd.) C. Wood.

No. 359 *of* 1865.—The following Military letter from the Right Hon'ble the Secretary of State for India, No. 60 of the 3rd March 1865, is published for general information :—

MILITARY. INDIA OFFICE,
No. 60. *London, 3rd March* 1865.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR.—Her Majesty has been pleased to approve of Lieutenant General Sir J. G. LeMarchant, G. C. M. G., being placed upon the staff of the Army in India as a Lieutenant General, with a view to his Commanding the Troops in Madras, in succession to Lieutenant General Sir Hope Grant, G. C. B., who has accepted the appointment of Quarter Master General at Head Quarters.

I have, &c.,
(Sd.) C. Wood.

No. 360 *of* 1865.—Captain W. W. Aubert, 2nd Examiner, Pay Department, is allowed leave of absence for six months, from the 1st instant, to visit Simla, on medical certificate, under the old Regulations.

No. 361 *of* 1865.—Captain H. A. Cockburn, Pay Master and Superintendent of Native Pensioners, Lucknow Circle, is allowed leave of absence for six months from the 12th instant, to visit Mussoorie and Cashmere, on medical certificate, under the new Regulations.

No. 362 *of* 1865.—His Excellency the Governor General in Council is pleased to make the following appointments :—

Captain H. D. Battye, Assistant, Pay Department, to officiate as 2nd Examiner, Pay Department, during the absence on sick leave of Captain W. W. Aubert, or until further orders.

Captain J. P. Martin, Assistant, Pay Department, to officiate as Pay Master and Superintendent of Native Pensioners, Lucknow Circle, during the absence on sick leave of Captain Cockburn, or until further orders.

The 5th April 1865.

No. 363 *of* 1865.—The under-mentioned out-Pensioners of the Royal Hospital at Chelsea having been permitted to reside and draw their stipends in India, payment of pensions is to be made and charged accordingly :—

	Rate of pension per diem.
Park Sergeant William Hardy, late of the 16th Brigade Royal Artillery.	2*s.* two shillings, from the date on which he ceases to receive Regimental pay.
Private Dennis Collins, of the 107th Foot.	1*s.* one shilling, from the date on which he ceases to receive Regimental pay.

No. 364 *of* 1865.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate :—

Lieutenant Colonel Henry Edward Landor Thuillier, of the Royal Artillery, Surveyor General of India and Superintendent of the Topographical and Revenue Surveys.	For 20 months, under the new Regulations.

No. 365 *of* 1865.—Under the authority of the Right Hon'ble the Secretary of State for India, the name of Lieutenant William Pooley Onslow, borne on the Cadre of the late 11th Regiment Native Infantry, is struck off the list of the Bengal Army, with effect from the 31st July 1864.

The 6th April 1865.

No. 366 *of* 1865.—The under-mentioned Officers are permitted to proceed to Europe on leave of absence on sick certificate :—

Captain James Sykes, of the Bengal Staff Corps, Sub-Assistant Commissary General, and Officiating Deputy Assistant Commissary General.	For 15 months.
Captain Henry Brougham Chalmers, of the Bengal Staff Corps, Assistant Commissary General.	For 20 months.

No. 367 *of* 1865.—The under-mentioned Non-Commissioned Officer and Soldier of Her Majesty's service are permitted to reside and draw their pay

in India as out-Pensioners of Chelsea Hospital, according to the Royal Warrant of the 23rd July 1864, pending a reference to the Home Authorities as to the amount of their pensions :—

Trumpet Major Josiah Booth, of the 24th Brigade, Royal Artillery.

Gunner William Kennedy, C. Battery, 19th Brigade, Royal Artillery.

No. 368 *of* 1865 —The under-mentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate :—

Lieutenant Colonel Frederick Charles Maisey, of Infantry, Deputy Judge Advocate General, Army Head Quarters.	For 20 months; under the new Regulations.

No. 369 *of* 1865.—The under-mentioned Warrant Officers are permitted to proceed to Europe on leave of absence on sick certificate :—

Conductor James Wilks, of the Army Commissariat Department.	For 20 months.
Conductor Joseph Hargreaves, Senior, of the Army Commissariat Department.	For 20 months.

No. 370 *of* 1865.—Subadar Appavoo, of the Madras Sappers and Miners, is promoted from the 2nd to the 1st Class of the "Order of British India," with the title of "Sirdar Bahadoor." Subadar Mahomed Sullimon, of the 3rd Regiment Madras Light Infantry, is admitted to the 2nd Class of the "Order of British India," with the title of "Bahadoor."	From the 17th February 1865, in succession to Pensioned Subadar Major Rama, "Sirdar Bahadoor," deceased.

No. 371 *of* 1865.—The services of Lieutenant H. T. Christie, of the General List, Bombay Infantry, are placed at the disposal of the Commander-in-Chief for appointment on His Excellency's personal staff.

The 7th April 1865.

No. 372 *of* 1865.—Under instructions from the Right Hon'ble the Secretary of State for India, the promotion of Lieutenant Colonel M. Galwey, C. B., Madras Infantry, to the rank of Colonel in the Army, announced in Government General Order No. 751 of the 15th September 1864, is to be held to have effect from the 9th May 1863, instead of the date previously fixed.

No. 373 *of* 1865.—The under-mentioned Officers are permitted to proceed to Europe on leave of absence on sick certificate :—

Major George Swiney, of the Bengal Staff Corps, District Superintendent of Police, Allahabad.	For 20 months.
Assistant Surgeon Augustus Kepple Reed, of the Medical Department, Garrison Assistant Surgeon, Attock.	For 20 months, under the new Regulations.

No 374 *of* 1865.—The under-mentioned Officer has reported his return from England :—

	Date of arrival at Fort William.
Lieutenant H. A. Rooke, of the late 12th Regiment Native Infantry.	31st March 1865.

No. 375 *of* 1865.—The under-mentioned Officer having completed twenty years' service, six years of which were on permanent staff employ, to be Major from the date specified opposite to his name, under the Royal Warrant of the 16th January 1861, subject to Her Majesty's approval :—

Bengal Staff Corps.

Captain (Brevet Major) A. LeGallais	3rd April 1865.

No. 376 *of* 1865, *Erratum.*—In Government General Orders Nos. 892 of 1864 and 258 of 1865, making and cancelling certain Brevet promotions, for "Lieutenant" F. A. Sage, read *Captain* F. A. Sage, Order Books to be corrected accordingly.

No. 377 *of* 1865.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate :—

Captain Henry White Best, of the late 5th European Light Cavalry, 2nd in Command and Squadron Officer, 17th Bengal Cavalry.	For 3 years, under the old Regulations.

H. W. NORMAN, *Colonel,*
Secy. to the Govt. of India.

NOTIFICATION.

Fort William, the 7th April 1865.

In conformity with Government General Order No. 144 of 1852, the following Statement of Deposits, made at the Presidency Pay Office, during the month of March 1865, on account of the Estates of deceased European Commissioned, Non-Commissioned, and Warrant Officers and Soldiers of the Indian Military Forces of Her Majesty, is published for general information; and it is hereby notified that claims to the Estates in question, which shall not be preferred to the Presidency Pay Master by Executors and Administrators, before the conclusion of twelve months after the date of decease, cannot be attended to in this country, as the money after that period will be remitted to, and made payable by, the Secretary of State for India.

Statement of Deposits made at the Presidency Pay Office on account of Estates of deceased European Commissioned, Non-Commissioned, and Warrant Officers and Soldiers of Her Majesty's Indian Military Service, in the month of March 1865.

Date of Deposit.	On whose account.	Rank.	Corps.	General Number.	Date of decease.	Testate or Intestate.	Amount of monies accruing from the adjustment of Estates.	Amount of Donation Batta due to Estates.	Total unclaimed amount deposited.	How disposed of. Amount paid in India.	Amount retained in India.	Amount remitted for payment in England. In Co.'s Rupees.	Equivalent in Sterling.	Rate of Exchange.
	Commissioned and Warrant Officers.						Rs. A. P.		Rs. A. P.					
7th Mar. 1865	(a) Augustus William Cripps...	Captain ...	Bengal Staff Corps ...	...	28th Aug. 1864	Testate	1,833 2 0	..	1,833 2 0					
" " "	(b) Henry Cant ...	Asst. Apothecary.	Subde. Mdl. Dept., attached to H. M.'s 71st Highlanders.	...	28th Jan. 1865	Intestate	137 9 4	...	137 9 4					
8th " "	(c) Henry Muirson Caulfeild ..	Captain ...	Late 4th Bl. En. Lt. Cavy.	...	5th Oct. 1864	Ditto	429 4 11	...	429 4 11					
15th " "	(d) Oscar Byrne ...	Asst. Surgeon ..	Bl. Mdl. Service ...	...	25th Nov. "	Ditto	170 9 4	...	170 9 4					
17th " "	(e) Thomas George Macaulay	Lieutenant ...	15th Regt. Native Infy ..	...	5th Aug. "	Unknown	221 8 0	...	221 8 0					
20th " "	Frederick Richard Turner	Ditto ...	4th ditto ...	...	2nd May "	Ditto	139 6 11	...	139 6 11					
28th " "	(f) Edward Robert Blair ...	Captain ...	51st Native Infy. ...	...	9th Dec. 1863	Intestate	1,810 8 4	...	1,810 8 4					
31st " "	(g) George Welby Eaton ...	Lieutenant ...	Late 73rd Native Infy....	...	12th Oct. 1864	Ditto	89 1 0	...	89 1 0					
" " "	(h) Dashwood Ross ...	Captain ...	Bl. Staff Corps ...	..	9th June "	Ditto	506 2 4	...	506 2 4					
	Carried over ...	.....	.....	...	.....	...	5,337 4 2	...	5,337 4 2					

(a) Widow, Mrs. Caroline Mary Ann Cripps.
(b) Next of kin, father, Mr. Cant, pensioner, Chunar.
(c) Widow, Mrs. Susan Harriet Caulfeild, and a daughter in England.
(d) Widow, Mrs. Ellen Mary Byrne, No. 7, Camac Street, Chowringhee, Calcutta.
(e) Next of kin, father, Mr. Tochury Macaulay.
(f) Next of kin, brother, James Blair, Captain, 2nd Bombay Light Cavalry, besides a sister and two other brothers.
(g) Widow, Mrs. Jeanette Eaton.
(h) Next of kin, not known.

Statement of Deposits made at the Presidency Pay Office on account of Estates of deceased European Commissioned, Non-Commissioned, and Warrant Officers, &c.,—continued.

Date of Deposit.	On whose account	Rank.	Corps.	General Number	Date of decease.	Testate or Intestate.	Amount of monies accruing from the adjustment of Estates.	Amount of Donation Batta due to Estates.	Total unclaimed amount deposited.	How disposed of. Amount paid in India.	Amount retained in India.	Amount remitted for payment in England. In Co's Rupees.	Equivalent in Sterling	Rate of Exchange
							Rs. A. P.		Rs. A. P.					
	Brought forward ...	.....	.....	...	.....	...	5,337 4 2	...	5,337 4 2					
	Non-Commissioned Officers and Soldiers.													
7th Mar. 1865	(*a*) William Foster ...	Barrack Sergeant	Unattached List ...	...	25th Oct. 1864	Intestate	71 2 9	...	71 2 9					
13th „ „	(*b*) William Barnard ...	Acting Barrack Serjeant.	.....	...	23rd July 1863	Ditto	50 0 0	...	50 0 0					
13th „ „	(*c*) John Robinson ...	Private ...	H. M.'s 21st Hussars ...	38	27th Mar. „	Unknown	12 0 0	...	12 0 0					
13th „ „	John Goodhall ...	Gunner ...	A. By. 19th Bde. R. A....	10383	.....	Ditto	26 5 9	...	26 5 9					
	Total ...	.....	.....	...	.....	...	5,496 12 8	...	5,496 12 8					

(*a*) Widow, Mrs. Selina Foster and two children.
(*b*) Next of kin, father, W. S. Barnard, Shoreditch, London, Middlesex.
(*c*) Two daughters at the Lawrence Asylum, Murree, and a son at Meean Meer.

FORT WILLIAM;
PAY OFFICE,
The 31st March 1865.

C. F. M. MUNDY, *Lieut. Colonel,*
Presidency Pay Master.

H. W. NORMAN, *Colonel,*
Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

ESTABLISHMENT.

No. 126.

Fort William the 3rd April 1865.

NOTIFICATIONS.

Lieutenant G. L B. Simmons, R. E., Assistant Engineer, 2nd grade, British Burmah, is posted to the Rangoon Division.

No. 127.

Three months' privilege leave has been granted to Mr. Deputy Commissary J. Brook, Sub-Engineer, 1st grade, Mysore, with effect from 1st January 1865.

No. 128.

Mr. W. B. Macrone, Executive Engineer, 4th grade, Officiating in charge of the Boolundshuhur Branch of the Ganges Canal, is appointed to officiate as Assistant Secretary to the Government of India, in the Public Works Department, vice Lieutenant C. H Luard, R. E., who has been appointed to act as Deputy Consulting Engineer, Railway Department, Bengal.

No. 129.

The 5th April 1865.

Mr. W. R. Chill, 4th Class Accountant, Oudh, has been permitted to resign his appointment from the 15th February 1865.

No. 130.

Sub-Conductor J. L. Hughes, Supervisor 2nd grade, Oudh, is transferred to the Rajpootana Circle, Central India.

C. H. DICKENS, *Lieut. Colonel*, R. A.,
Secy. to the Govt. of India.

ADVERTISEMENTS.

NOTICE.

Lost in transit by Post between Dumoh and Calcutta the 1st halves of Central Provinces Currency Notes, Nos. 60417 and 60418, for Rs. 20 each. Notice has been sent to the Offices of Issue at Nagpore and Calcutta.

NOTICE.

Required for the Akyab Treasury Department a Head Clerk, salary, Rs. 200 per mensem. None need apply who have not good testimonials, both of their ability to fulfil the duties of the Office and general good character.

AKYAB,
DEPY. COMMR.'S OFFICE;
The 25th March 1865.
E. J SPILSBURY.
Depy. Commr.

NOTIFICATION.

NATIONAL BANK OF INDIA, "LIMITED."

Issue of Shares.

In consequence of the great increase which has taken place in the business of this Bank during the past three months of the current half-year, and the steady increase which is going on, the Directors of the National Bank of India, "Limited," have determined, in virtue of the powers vested in them by Section 6 of the Bank's Articles of Association, to issue the 10,000 unissued Shares, of the nominal value of Rs. 500 each, representing the unsubscribed portion of the authorized Capital of the Company. Five thousand of these Shares have been taken up in Bombay, and the remaining five thousand Shares will be issued to the holders of the present subscribed stock in the following manner:—

1st.—That the new Shares be offered to the Proprietors of the present subscribed stock at Rupees twenty premium per Share, and that each Registered Proprietor be entitled to take up one new Share for every two old Shares he holds at the close of business on the twenty-fourth day of April, instant, and that the transfer Books be closed from that date until 1st May, proximo, inclusive.

2nd.—That a payment of Rupees one hundred and twenty per Share, viz., Rupees twenty on account of premium to be carried to Reserve Fund, and Rupees one hundred per Share, as the first instalment towards payment of each new Share, be made on or before the 1st day of May, proximo, and that the remaining one hundred and fifty Rupees per Share be paid on or before 1st July 1865.

3rd.—That any Proprietor, resident in India, failing to pay the first instalment of Rupees one hundred and twenty per Share on or before the 1st day of May 1865, and any Proprietor, resident out of India, failing to make said payment within three months from the date of this notification, shall forfeit all right to such new Shares as he or she might otherwise have been entitled to, and the Shares so forfeited shall be disposed of at the discretion of the Directors.

4th.—That of the payment of Rupees one hundred and twenty, payable on or before the 1st day of May 1865, Rupees one hundred shall bear interest, at the rate of six per cent. per annum, from date of payment to 30th June 1865, and that after that date the new Shares shall participate in Dividend for the half-year ending 31st December 1865.

Parties failing to pay the second Call of Rupees one hundred and fifty per Share on or before the 1st of July 1865, will be charged interest, at the rate of twelve per cent. per annum, from that date till date of payment.

By order of the Directors,
R. O. SAWERS,
Manager.

NATIONAL BANK OF INDIA, "LD.,"
Calcutta, 3rd April 1865.

Printed and Published for the Government of India, by O. T. CUTTER, *at the Military Orphan Press.*

No. 12.

SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, APRIL 8, 1865.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees four annas if sent by Post.*

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Government of India.

Abstract of the Proceedings of the Council of the Governor General of India assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament, 24 and 25 Vic., cap. 67.

The Council met at Government House on Friday, the 31st March 1865.

PRESENT:

His Excellency the Viceroy and Governor General of India, *presiding*.

His Honour the Lieutenant Governor of Bengal.

The Hon'ble H. B. Harington.

The Hon'ble W. Grey.

The Hon'ble H. L. Anderson.

The Hon'ble J. N. Bullen.

The Hon'ble Mahárájá Vijayaráma Gajapati, Ráj Bahádur of Vizianagram.

The Hon'ble Rájá Sáhib Dyál Bahádur.

The Hon'ble W. Muir.

The Hon'ble R. N. Cust.

The Hon'ble Mahárájá Dhíraj Mahtab Chand Bahádur, Mahárájá of Burdwan.

The Hon'ble D. Cowie.

STAMP ACT AMENDMENT BILL.

The Hon'ble MR. HARINGTON presented the Report of the Select Committee on the Bill to amend Act X of 1862 (to consolidate and amend the law relating to Stamp Duties).

CIVIL AND CRIMINAL COURTS' (PUNJAB) BILL.

The Hon'ble MR. CUST presented the Report of the Select Committee on the Bill to define the jurisdiction of the Courts of Judicature of the Punjab and its Dependencies.

CIVIL COURTS' (CENTRAL PROVINCES) BILL.

The Hon'ble MR. HARINGTON moved that the Report of the Select Committee on the Bill to define the jurisdiction of the Courts of Civil Judicature in the Central Provinces be taken into consideration. He said that the publication of the Bill had been followed by the receipt of some very useful suggestions from the Judicial Commissioner of the Central Provinces, in which the Chief Commissioner had expressed his concurrence. The Select Committee, to which the Bill was referred in the usual course, were of opinion that most of these suggestions might be adopted with advantage, and, as noticed in their Report, they had recommended that the Bill should be amended accordingly. The proposed alterations would, he believed, greatly improve the character of the Bill, and conduce to its satisfactory working. But the Judicial Commissioner had made two suggestions, to which the Select Committee, after much discussion, considered that they could not properly assent. One of these suggestions was that the Government should have power to invest any person with jurisdiction to try Civil suits of a given amount. This was considered necessary by the local authorities with reference to the character and circumstances of certain Chieftains or Zemindars in the Central Provinces. The other suggestion was that the Judicial Commissioner and the other local Appellate Courts should be allowed to continue the exercise of the power with which they were now invested of reviewing of their own authority, and without any appeal, application, or objection on the part of any interested party, the decisions and orders of the subordinate Courts at any time within one year after the passing or execution of such decisions and orders, and of altering or reversing the same. As regarded the former of these suggestions, it appeared to the Select Committee that the preferable arrangement would be to establish a Court of one of the grades mentioned in the Bill within the tract of country belonging to any of the Chief-

tains or Zemindars referred to, when such tract formed part of the British territories in India, and was subject to the Acts of the Indian Legislature, or to appoint a Naib Tahsildar and to invest him with Civil jurisdiction in such tract, for which the Bill made provision. With respect to the other suggestion, which proposed to continue a practice forming part of what was generally known as the patriarchal system, the Select Committee had observed as follows: "We do not concur in the suggestion of the Judicial Commissioner that every Appellate Court should be empowered, within a year after any order shall have been passed by a subordinate Court, to call up the case and revise the order. Where, as is the case in the present Bill, all proper facilities for appeal are allowed, we do not think it expedient to permit an Appellate Court to interfere except on appeal regularly preferred. In the absence of an appeal, it is only fair to presume that all parties are satisfied with the decision or are willing to submit to it, and it would be opposed to every principle of justice to allow any Court, of its own motion, to re-open the matter after an interval during which the decree has probably been executed and the whole litigation settled."

A further suggestion made by the Judicial Commissioner in respect to investing Judges of Courts of Small Causes with powers corresponding to the powers of a Principal Sudder Ameen, had been anticipated by the framers of the Act, lately passed for consolidating and amending the laws relating to the establishment of Courts of Small Causes beyond the limits of the Presidency Towns of Calcutta, Madras, and Bombay. The fifty-first Section of this Act contained a provision similar to that suggested by the Judicial Commissioner, and appeared to have done all that was necessary in the direction of that suggestion.

The Motion was put and agreed to.

The Hon'ble Mr. Harington, with the permission of His Excellency the President, moved that the following new Section be inserted after Section 24 of the Bill. He apologized for not having circulated a notice of the proposed amendment in time to admit of Hon'ble Members considering it before they met to-day, but there had been some delay in printing the Section which had only just been put into his hands:—

"The Governor General of India in Council may, by an order to be published in the Official Gazette, extend the provisions of this Act to the Province of Oude, but not so as in any way to affect the provisions of Act No. XVI of 1865 (to remove doubts as to the jurisdiction of the Revenue Courts in the Province of Oude in suits relating to land, and to enlarge the period of limitation in such suits). On and after such extension, the Civil Judge of Lucknow shall be considered a Deputy Commissioner, and the Assistant Judge of Lucknow an Assistant of the third class, within the meaning of this Act. Appeals from the decisions and orders of the Civil Judge of Lucknow, when allowed by the Code of Civil Procedure or any other law, shall lie as at present to the Court of the Judicial Commissioner."

The Hon'ble Mr. Harington proceeded to say that this Section was proposed to be added to the Bill at the request of the Chief Commissioner and Judicial Commissioner of Oude, with whom he had been in communication on the subject. Those Officers were of opinion that the Bill, with the addition of the Section which he had just read, would be well suited to the circumstances of the Province of Oude, and that its extension to the Province would be attended with considerable advantage, and would place the Courts of the Province on a proper legal basis. It was right, he should mention, that the Judicial Commissioner of Oude, equally with the Judicial Commissioner of the Central Provinces, was anxious that the local Appellate Courts should retain the power which they now possessed of interfering with the decisions and orders of the Courts subordinate to them, although there should be no appeal, and although no objection should be taken by any one affected by the decision or order. The provision to this effect, which now formed part of the Code of Civil Procedure as in force in Oude, was, he believed, introduced on the recommendation of Mr. Campbell, one of the learned Judges of the High Court at Calcutta, at the time he held the office of Judicial Commissioner of Oude. Having lately had an opportunity of speaking to Mr. Campbell on the subject, he gathered from what fell from him, that he considered that the time had passed when the power in question could be exercised beneficially or for the interests of suitors, and that he was of opinion that the power should be withdrawn. In this opinion he (Mr. Harington) entirely concurred.

The Motion was put and agreed to.

The Hon'ble Mr. Harington then moved that the Bill as amended be passed.

The Motion was put and agreed to.

Parsees' Marriage and Divorce Bill.

The Hon'ble Mr. Anderson moved that the Report of the Select Committee on the Bill to define and amend the law relating to Marriage and Divorce among the Parsees, be taken into consideration. He said—"This Bill has undergone the most careful examination by the Select Committee, and many material alterations in its provisions have been made: I have no hesitation in submitting it now to the Council as a measure which has been greatly improved, and as one which will attain the objects which it had originally in view. Those objects were the prevention of bigamy among the Parsees, and the establishment of such a tribunal for the vindication of the obligations arising out of the marriage contract in that community as would command the respect of those appealing to it for protection or redress. I think it very possible that the Parsees will not regard the Bill with the same favour as the Code prepared under their immediate instructions; but as they are each and all of them emphatically men of business, I have a just confidence that they will, on full consideration, recognize the great superiority of the Bill as it now stands to the Bill in the form in which it was originally presented to the Council.

The principal alteration in the Bill is the substitution of Parsee Matrimonial Courts for Panchâyats. With reference to Panchâyats, I would wish to offer a very brief explanation. The term taken by the Parsees from the Hindus around them, has not been very happily chosen, and it does not convey the idea of the kind of tribunal which it was in contemplation to establish. That tribunal was one of which the members were to be chosen by the Parsees themselves, of which the members were men in whom the Parsees had confidence. But it was never intended that the rude "under the tree" mode

of investigatian which the idea of a Panchâyat suggests, should be adopted. But I freely admit that the Parsee Matrimonial Courts will constitute far more efficient tribunals than the Panchâyats, and that they will fulfil all the conditions which the Legislature has a right to impose on an institution which it invests with grave responsibilities. It is proposed, then, to establish Parsee Chief Matrimonial Courts in the Presidency Towns of Calcutta, Madras, and Bombay, and Parsee District Matrimonial Courts in such places as the discretion of the Governor General in Council and the Local Governments may suggest. A District under the Act may include more than one ordinary judicial District; and such places in which, on account of the fewness of the Parsee inhabitants, the Local Governments shall not deem it necessary to establish Matrimonial Courts, are to be regarded as under the jurisdiction of the Chief Matrimonial Courts in the Presidency Towns. The Matrimonial Courts in Calcutta, Madras, and Bombay are to be presided over by the Chief Justice, or other Judge of Her Majesty's High Court of Judicature in those Towns, aided by eleven Delegates, and the District Matrimonial Courts by a District Judge aided by seven Delegates.

The Delegates are to be Parsees, appointed by the Local Governments, and to be in number not more than thirty for a Presidency Town, and not more than twenty for a District as constituted under this Act. From the Delegates thus appointed are to be chosen in due rotation those who assist at the trial of suits in the Matrimonial Courts. The appointment of a Delegate is to be for life, or until resignation, with the usual provision attached to a judicial office of "*quam diu se bene gessarit.*" The Local Governments, we may be sure, will always be cautious to appoint the most respectable and intelligent Parsees to this office, and I sincerely trust that the position of a Delegate may hereafter be an object of honourable ambition to Parsee gentlemen. In suits tried in the Matrimonial Courts, all questions of law and procedure will be determined by the presiding Judge, but the decision on the facts is to be the decision of the majority of the Delegates assisting at the trial. Should such be the wish of either party to the suit, the case may be heard with closed doors. The procedure is to be as far as possible that of the Code of Civil Procedure, and an appeal will lie from the decisions of all Matrimonial Courts, whether Chief or District, to Her Majesty's High Court of Judicature.

Now, I think that the Courts which it is thus proposed to establish, will exactly attain the objects which the Bill had in view. All suits for the declaration of nullity of marriages, for dissolution on account of desertion, for divorce and judicial separation, and for restitution of conjugal rights, will, in effect, be decided by the Parsees themselves, while the presence and active supervision of an experienced Judge will be an ample guarantee to the general public, not merely that the investigation will be a fair one—for that, as far as intention goes, would be the result if the matter were left exclusively to the adjudication of the Parsees—but that the complex rules of evidence and the various minutiæ which are involved in the conduct of a trial are duly observed, and, what is an important point with an inexperienced tribunal, that the zeal and ability of Advocates have no more than their just weight with those in whom the power of decision is vested.

The Select Committee have made some other important alterations in the Bill. The arrangement that an experienced Judge shall preside in the Matrimonial Courts disposes of the provision that the presidency of the Surat Panchâyat should be vested hereditarily in the family of Khursadjí Dosabhai Dâvar. This change has been further recommended by the fact that there is not an entire unanimity on the subject among the Parees of Surat, and still more forcibly by the natural repugnance which is generally felt, and in which I participate, to making a judicial office the subject of hereditary succession. I should, in justice to the Parsees, state that the provision relative to the Dâvar did not form a part of the original Code prepared under their instructions, but was introduced at the suggestion of the Government of Bombay as a kind of compromise of some more extensive claims preferred by the Dâvar's family.

Another important alteration in the Bill is the omission of the clause which made a change of religious belief, subsequent to a marriage, a ground for rendering the marriage voidable at the instance of either party. The question involved in this alteration received very careful consideration from the Select Committee, and the impression which generally prevailed was, that the principle presented for discussion was too important to be dealt with otherwise than in a separate measure. The Council has just invited the consideration of all India to the measure relative to the remarriage of Native Converts. Now, I do not mean to imply that the provision in the Parsee Bill stands on the same ground as the relief proposed for Christian Converts. In the one case a man says,—"on account of my relfgious belief my wife has left me, either compel her to live with me or let me go free." In the othe case, the man says,—" on account of my religious belief my wife has left me, let me go free." It is obvious that there is a material difference between these two propositions. In the one the man says,—" I want my wife to live with me." In the other the man says,—" I do not want my wife to live with me." But though there is this variance in the scope of the two propositions, they both, in some measure, raise the issue of whether a change in religious belief is a valid ground for rendering a marriage voidable. The Council has been desirous that this question should receive the most ample consideration, and it would be obviously impolitic, therefore, at the present time, that a species of liberty should be granted to the Parsees in the matter under discussion. If the Bill of my Hon'ble friend Mr. Maine should become law, as I trust it will, it will then be for the Parsees to apply for relief, and to support their appeal by adequate evidence. But, when the Council is acting with extreme caution as to granting a certain relief to a portion of the community, it is obvious that it cannot grant what is more than relief —what is relaxation—to another portion of the community. I think, then, that the Select Committee was compelled, if only on the lower ground of legislative expediency, to omit the clause, and in saying this I am not insensible to the fact that some may be inclined to take the higher ground of regarding any such concession as wrong in principle.

The arrangements relative to the certification and registration of marriages have been simplified by the Select Committee, and due observance of these arrangements has been secured by the provision of severe penalties.

Many verbal alterations, all of them improvements, have been introduced by the Select Committee, and the Bill may now, I venture to think, be regarded as a complete and symmetrical measure, as one under which there will be no difficulty in administering justice. I feel no diffidence in making this assertion, because I should neither do justice to my own sentiments, nor pay due regard to truth, if I did not state in the most public and unreserved manner, that the Bill is the good Bill it is, through the judgment, caution, and fertility of suggestions which have been brought to bear upon it by my Hon'ble friend Mr. Harington. Both in Committee and in private he has given me the aid of his large legislative experience, and I may say, without the slightest affectation, that the Bill, which will, I trust, be a source of substantial benefit to the Parsees, is more his Bill than mine.

Before I conclude, I would wish to say a word regarding a letter which I have just read in the "Friend of India" evidently written by Mr. Manockjee Cursetjee, one of the Judges of the Small Cause Court in Bombay. I wish to speak of that gentleman with all consideration. He complains that the Bill sanctions infant marriages and revives the Panchâyat. To this I would reply that the Bill does not sanction infant marriages, and that Panchâyats have now been superseded by the Matrimonial Courts. There are some clauses recognizing infant marriages in the Code prepared by the Parsees, but these I struck out before the introduction of the present Bill. The Bill does not, it is true, prohibit infant marriages; but, to make it more clear that the Legislature does not approve of such contracts, I will propose, with His Excellency the President's permission, to introduce a new clause, to which my Hon'ble Colleagues have expressed their assent. The Council would not be justified in prohibiting the custom of infant marriages which has obtained so largely and prevailed so long, but it takes the wiser course of declining to enforce them. I shall, in common with Mr. Manockjee Cursetjee, be glad to see the day when the custom shall disappear; but if either of us is to see that result, it will not be by following the course which he would seem to suggest.

The Hon'ble Mr. Harington said that having, on the introduction of this Bill, considered it his duty to object strongly to the provisions which related to the mode in which cases arising under the Bill were to be heard and decided, he thought it right at once to state that all that appeared to him objectionable in the Bill, as introduced, had been struck out, including not only the provisions to which he had referred, but also other provisions to which he thought exception might be taken; and when his Hon'ble Colleague, who was in charge of the Bill, should move presently that the Bill be passed, he would be prepared to give a cordial assent to the motion. He concurred in all that had fallen from his Hon'ble Colleague in support of the amendments which the Select Committee had recommended should be made in the Bill. He had no hesitation in saying that he considered they might place the Bill, altered as proposed by the Select Committee, on the Statute Book with the most perfect confidence. Looking to the nature of the cases to which the Bill was intended to apply, they must all hope that recourse to the provisions of the Bill would not be of frequent occurrence, but when cases, such as the Bill contemplated, did arise, he believed it would be found that the Bill provided a proper and perfectly competent tribunal for their adjudication, and that under the operation of the Bill as it was now framed, substantial justice would be done between party and party. Their Hon'ble Colleague, who had charge of the Bill, had laid the Parsee community of India under very great and lasting obligations to him by the manner in which he had espoused their cause in connection with the legislation which had occupied so much of the time of the Council during its present sittings, and by the great learning, ability, and skill which he had displayed in conducting the Parsee Bills introduced by him through their several stages; and he ventured to think that the course pursued by their Hon'ble Colleague in respect to the present Bill in its progress through the Select Committee, and particularly his having assented to the various important alterations proposed in Committee, had added very much to the debt of gratitude which the Parsee community owed to him for his exertions in their behalf. He entertained a confident belief that this would be the feeling generally of the Parsee community when they saw the Bill in operation. He could not close these remarks without begging his Hon'ble Colleague to accept his acknowledgments for the manner in which he had spoken of the part taken by him (Mr. Harington) as a Member of the Select Committee in settling the provisions of the Bill. On this point he would only say that, should his Hon'ble Colleague's anticipations as to the successful working of the Bill as now framed be realized (and he had little doubt that such would be the result of their joint labours), it would be a great gratification to him to have taken an active part in giving to the Parsee community, who were so distinguished for their respectability, intelligence, and liberality, this legislative measure.

The Hon'ble Mr. Muir said that having made some strictures upon the original Bill when it was introduced, and having been a Member of the Committee which had been engaged in revising it, he begged to offer a few very brief remarks upon the Bill as it now stood. He entirely concurred in the observations made by his Hon'ble friends Messrs. Anderson and Harington, that the proposed enactment had been most materially improved in its passage through the Committee; and its improvement was mainly owing to the wise and excellent suggestions of Mr. Harington, in conjunction with the labours of the Mover himself.

The serious objections taken to the constitution of the Panchâyats originally proposed, as a Court private, informal, and irresponsible, had now been entirely obviated. The Matrimonial Courts substituted for the Panchâyat would be inferior to no other Courts in the country; they would be presided over by Judges, and be subject to the checks and safeguards of established legal procedure, while the presence of the Parsee Jury, to determine all questions of fact, would secure the confidence and approval of the Parsee community in respect of the trial and disposal of the suits brought before those Courts.

Some of the conditions of divorce contained in the original Bill, which had appeared to him (Mr. Muir) objectionable, had been either removed or modified. And though there were still one or two provisions in the amended Bill, which did not entirely approve themselves to his judgment—he (Mr. Muir) alluded more especially to certain distinctions and conditions contained in the thirtieth Section—still he was prepared to accept the pro-

visions of the Bill as a whole, on the ground stated in the preamble, namely, that they were in conformity with the usages and customs of the Parsees themselves. In this view he was prepared to support the Bill in its present form.

Before concluding those brief observations, he (Mr. Muir) wished to express his concurrence in the remarks which had fallen from his Hon'ble friend Mr. Harington, regarding the part which had been taken by the Hon'ble Mr. Anderson in connection with this measure. He fully agreed with him that Mr. Anderson had laid the Parsee community under a great obligation by the introduction of this Bill; and not less so, by the excellent spirit and candour with which he had received the suggestions made in Committee; and by the careful judgment with which he had brought the Bill into the shape in which he had now presented it to the Council.

The Motion was put and agreed to.

The Hon'ble Mr. Anderson then, with the permission of His Excellency the President, moved by way of amendment that the following Section be introduced immediately before the thirty-seventh Section :—

"Notwithstanding anything hereinbefore contained, no suit shall be brought in any Court to enforce any marriage between Parsees, or any contract connected with or arising out of any such marriage, if, at the date of the institution of the suit, the husband shall not have completed the age of sixteen years or the wife, shall not have completed the age of fourteen years."

The Motion was put and agreed to.

The Hon'ble Mr. Anderson then moved that the Bill as amended be passed.

The Motion was put and agreed to.

Financial Commissioner (Oudh) Jurisdiction Bill.

The Hon'ble Mr. Cust moved that the Report of the Select Committee on the Bill to remove doubts with regard to the jurisdiction of the Financial Commissioner of Oudh, be taken into consideration. He remarked that the changes made in the Bill in the Committee were not material. The word "Land" had been so defined as to exclude from the cognizance of the Revenue Courts land situated in Towns and Cantonments. Mixed claims with regard to land and other property relating to inheritance and succession, were also reserved for the cognizance of the Civil Courts. These alterations were made at the suggestion of the Chief Commissioner and Judicial Commissioner.

A change had also been made in Section 5. The extension of the period of limitation was not to apply to tenants at will, tenants with right of occupancy, or tenants at fixed and favourable rates, but only to those whose tenure was of a higher character.

The Motion was put and agreed to.

The Hon'ble Mr. Cust then moved that the Bill as amended be passed.

The Motion was put and agreed to.

Succession and Inheritance (Parsees') Bill.

The Hon'ble Mr. Anderson presented the Report of the Select Committee on the Bill to define and amend the law relating to Succession and Inheritance among the Parsees. He said that it had been his intention to ask His Excellency to suspend the Rules for the Conduct of Business, and to move that the Report be taken into consideration, and that the Bill as amended be passed. He had, however, ascertained that there would be another meeting of the Council, at which, without suspending the Rules, the Bill could be passed. He had also received a communication from Bombay, containing some suggestions which deserved consideration. Under these circumstances, he begged leave to postpone the Motions standing next in the list of business.

The Council then adjourned.

Whitley Stokes,
Offg. Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

Abstract of the Proceedings of the Council of the Governor-General of India assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 and 25 Vic., Cap. 67.

The Council met at Government House on Saturday, the 1st April 1865.

Present:

His Excellency the Viceroy and Governor-General of India, *presiding.*

His Honour the Lieutenant Governor of Bengal.
The Hon'ble H. B. Harington.
The Hon'ble Sir C. E. Trevelyan, K. C. B.
The Hon'ble W. Grey.
The Hon'ble H. L. Anderson.
The Hon'ble J. N. Bullen.
The Hon'ble Mahárájá Vijayaráma Gajapati Ráj Bahádur of Vizianagram.
The Hon'ble Rájá Sáhib Dyál Bahádur.
The Hon'ble W. Muir.
The Hon'ble R. N. Cust.
The Hon'ble Mahárajá Dhíraj Mahtab Chand Bahádur, Mahárájá of Burdwan.
The Hon'ble D. Cowie.

Customs Duties.

The Hon'ble Sir Charles Trevelyan in moving for leave to introduce a Bill to amend the law relating to the Customs Duties, said—

In the Budget Statement for 1863-64, the surplus of Income over Expenditure was estimated at £480,775, which was afterwards reduced in the Regular Estimate to £31,529. The actual surplus is £78,347.

The Revenue of 1863-64 was £44,613,032, which was only £358,168 less than the Budget Estimate, although "Opium" was deficient in the large sum of £1,168,001. The increase under "Land," "Forest," "Abkaree," "Assessed Taxes," "Customs," and "Stamps," amounted to £1,303,435. The only one of the ordinary sources of Revenue which fell short of the Estimate besides "Opium," was "Salt." The deficiency under this head amounted to £366,704. It chiefly occurred in Bengal, and was caused by the previously overstocked state of the market.

The Expenditure amounted to £44,534,685, which was £44,260 more than the Budget Estimate. The principal heads of increase were £305,793, Advances for "Opium," arising from the higher rate of payment to the cultivator upon an increased crop; "Indian Navy and Marine," £260,699, caused by unexpected delay in making the reductions which had been determined upon; and £380,423 for additional grants for "Public Works." On the other hand, "Law and Justice" was £127,450, "Police" £120,812, "Interest" £249,958, and "Net Expenditure in England" £569,670 less than the Budget Estimate.

I now proceed to what is called the Regular Estimate of the current year 1864-65, which is founded in general upon the Actual Receipts and Expenditure of eight months, and upon an Estimate of the remaining four.

"Land Revenue" shows a decrease of £170,200 compared with the Budget Estimate, and of £208,623 compared with the Actual Receipts of 1863-64, caused by the deficiency in the fall of rain in the North-West Provinces and Oudh, by the inundation in the Masulipatam District, and by diminished sales of Khás Maháls in Bengal.

In "Forest" there is an increase of £35,980 compared with the Budget Estimate, and of £51,687 compared with the Actual Receipts of 1863-64.

In "Abkaree" there is an increase of £185,270 over the Budget Estimate, and of £212,680 over the Actual Receipts of 1863-64. As it cannot be alleged, in the present state of the Abkaree Administration, that undue encouragement is given to drinking, this large increase furnishes satisfactory evidence of the improved circumstances of the people.

"Salt" and "Stamps" also show satisfactory increase. Salt is £181,740 better than the Budget Estimate, and £588,554 more than the Actual Receipts of 1863-64; while Stamps are £167,870 in excess of the Budget Estimate, and £176,924 above the Actual Receipts of 1863-64.

In "Assessed Taxes" there is an increase of £48,830 compared with the Budget Estimate, and a decrease of £247,132, arising from the reduction of the rate from 4 to 3 per cent., compared with the Actual Receipts of 1863-64.

"Customs" are £55,590 less than the Budget Estimate, and £128,591 less than the Actual Receipts of 1863-64. This can only be accounted for by the continued depression of the Import trade, from which the greater part of the Customs Revenue is derived. Sufficient time has not elapsed to see the full effect of the relief afforded last year by the reduction of the ten per cent. duty upon unenumerated articles to seven and a half per cent.

The state of the "Opium" Revenue and Expenditure requires particular notice. By adhering too long to an insufficient rate of payment to the Ryots, the Opium produced in the Bengal Agencies was reduced in 1859-60 to 21,427 chests, and the sale price was raised to Rs. 1,846 a chest, which must soon have caused an increased production of the drug in China and other countries. The payment to the Ryots was then increased to Rs. 3-8, Rs. 4, and at last, in one step, to Rs. 5 a seer, and the cultivation was extended to districts where an inferior Opium is obtained at an increased cost. The consequences were not fully realized till 1864-65, when this high rate of payment concurring with an unusually favorable season, the crop unexpectedly mounted to 64,269 chests. The effect of this has been injurious in two ways. Extra grants, to the amount of £644,300, have had to be made to complete the settlement with the Ryots for 1863-64, and the price at the Calcutta sales has been reduced below what it has been for many years, whereby the export of Opium from Malwa and Guzerat has been also checked.

Taking charges and receipts together, the net Opium Revenue of the two years 1863-64 and 1864-65 is less than that of the two preceding years by £1,777,217, the charges having increased by £1,708,590, and the receipts having fallen off by £68,627. The figures are as follows, viz.:—

	1861-62.	1862-63.	First two years.	1863-64.	1864-65.	Last two years.
Revenue ...	£6,359,270	£8,055,476	£14,414,746	£6,831,999	£7,514,120	£14,346,119
Charges ...	£1,449,465	£1,856,278	£3,305,743	£2,306,493	£2,707,840	£5,014,333
Net Revenue ...	£4,909,805	£6,199,198	£11,109,003	£4,525,506	£4,806,280	£9,331,786

		Worse in last two years.
Revenue ...	£14,414,746 ...	£14,346,119 £68,627
Charges ...	£3,305,743 ...	£5,014,333 £1,708,590
Result ...	£11,109,003 ...	£9,331,786 £1,777,217

The Budget Estimate anticipated under "Opium," from Bengal £5,200,000, and from Bombay £3,000,000; together £8,200,000. Owing to the large increase of the quantity for sale, the Bengal Estimate will probably be realized, but in consequence of the prevailing low prices, passes have not been taken out at Indore and Ahmedabad to the extent expected, and the general result is an estimated deficiency of £685,880.

The receipts under the remaining heads accrue under no fixed rules, but vary with the circumstances of the year. They show an increase of £412,216 compared with the Budget Estimate, and of £543,454 compared with the Actual Receipts of 1863-64. The decrease under "Post Office" is attributable to the abolition of the Bullock Train, against which there is a reduction in the charges. The increase under "Law and Justice and Police" of £55,730 is due to a transfer from "Tributes and Contributions" to "Police," and to increased collections of Fees. The decrease under "Marine" is caused by an over-estimate made in the absence of any detailed Estimate. The increase in "Public Works" is due to the

large sum received from the sale of building sites at Bombay. The increase of £117,776 under "Miscellaneous Civil" arises from the transfer of the balance of the Bhonsla Fund to Revenue, after deducting £30,849, invested with a view to disconnect the Government from certain permanent religious endowments. The pensions chargeable on this Fund much exceeded the annual proceeds, and the excess was paid out of Revenue. The whole of the pensions have now been charged against Revenue, and the Fund has ceased to exist. The increase under "Interest" is caused by increased investments of the Currency Department, and the dividends upon additional shares in the Banks of Madras and Bombay.

The Revenues and Receipts of the year, including "Opium," are £120,236 more than the Budget Estimate, and £1,671,074 more than the Actual Receipts of 1863-64. Excluding "Opium," there is an increase in Revenues and Receipts, compared with the Budget Estimate, of £806,116, and of £988,953 compared with the Actual Receipts of 1863-64.

To proceed to the Estimated Expenditure of the current year 1864-65: the increase of £15,597 under "Customs" arises from recent revisions of establishments at Calcutta and Bombay, whereby the collection of the revenue at those Ports has been placed on a more efficient footing.

The increase under "Salt," £30,943, is caused by higher rates for the purchase and transport of Salt for Malabar, and by increased manufacture in consequence of the large quantity of Salt destroyed in the Krishna District by the late inundation.

The increase under "Opium," £453,679, is for the additional advances, amounting to £644,300, already referred to as having been made on account of the preceding year 1863-64, less a saving of £190,621 upon the ordinary expenditure of 1864-65. Compared with the Actual Expenditure of 1863-64, the increase is £401,347.

The decrease of £97,825 under "Mint" arises from a more correct method of exhibiting the copper received for minting purposes from England. Copper for coinage is now treated in a similar manner to bullion, the Mint profit only being carried to the credit of revenue, and the Copper itself, while uncoined, remaining as a part of the Cash Balance at its intrinsic value.

The saving of £76,185 under "Post Office" is caused by the abolition of the Government Bullock Train; and the increase of £39,022 under "Electric Telegraph" is owing to a payment to the East Indian Railway Company for the construction of a line from Burdwan to Patna in 1856, and to arrear charges of 1863-64 paid during the current year, for which no provision was made in the Budget Estimate.

The principal causes of the large increase in Army Expenditure, estimated at £674,571, are as follows:—

	£
For increased price of Europeans' rations, compensation to Native Troops for dearness of provisions, and increased cost of feeding horses and keeping and hiring Transport Animals ...	272,500
Substitution of full for half batta, increased pay to Medical Officers, and compensation for extra clothing to European Troops	100,000
Purchase and repair of Barrack furniture: gas fittings for extra lighting, and increased cost of bedding ...	57,500
Additional bounty and kit money to men re-engaging, compensation for losses of property, appointments, messes, &c.	30,000
Increased consumption of Beer consequent on the diminution of the ration of Rum	35,000
Additional Sea Transport Charges for sending Home two extra Regiments of Infantry and two Batteries and Head Quarters of a Brigade of Horse Artillery, and an additional number of time-expired men	85,000
Retention of Regiments after they were expected to be disbanded or to return Home	50,000
Additional Charges connected with the Bhootan War	160,000

On the other hand, there is a saving of £16,000 for reduced expenditure on rum and arrack, and reduction of Pay Offices at Madras, besides further savings from short establishments and minor reductions.

Compared with 1863-64, the increase in the Military Expenditure is £630,691.

The aggregate grant for "Public Works," including £204,330 charged on the Rampart Removal Fund at Bombay, £250,000 appropriated from the Income Tax, and £566,400 for State expenditure for Railways, amounted to £5,358,730. The actual expenditure is now estimated at £5,685,817, being an increase of £327,087. This increase arises from additional grants, of which the following are the principal:—

	£
Arrear of compensation at Madras for lands taken for public purposes ...	25,312
Improvement of the Jails in Bengal and the Central Provinces, and works at the Convict Settlement at Port Blair .	51,860
Roads in connection with Railways in Bengal and the Hyderabad Assigned Districts	63,630
Repair of damages caused by the Cyclone	80,000
Completion of the new Opium Godown at Calcutta	15,000
Additional grants to Bombay for the completion of works in progress ...	100,000
Additional grant for works charged on the Rampart Removal Fund ...	27,227
The cost of stores from England is now estimated to be in excess of the original Estimate by	46,890
On the other hand, there is a saving under the heads of Railway supervision and cost of land of	6,700
And Railway loss by exchange ...	77,874

the last of which arises from diminished Capital expenditure and increased Traffic receipts.

Compared with the actual expenditure of 1863-64, the increase in the Public Works charges is £310,294.

"Salaries and Expenses of Public Departments," "Law and Justice," and "Police," show an aggregate saving of £74,766.

The increase of £24,605 under "Education, Science, and Art" chiefly arises at Bombay. Compared with the actual expenditure of 1863-64, there is an increase on the total expenditure for education of £143,924.

The increase of £165,966 under "Superannuation and Retired Allowances and Gratuities for charitable and other purposes," in the Regular Estimate of 1864-65, arises from the omission in the Bombay Budget Estimate of the donations to the Service Funds for the year 1863-64.

The increase of £88,031 under "Miscellaneous and Civil Contingencies" is caused by expenditure arising out of the late calamity at Masulipatam, increased charges on remittance of treasure, loss on the withdrawal from circulation of clipped coin in the Punjab, and loss on the sale to the Currency Department of a portion of the Government Promissory Notes purchased out of the surplus Cash Balances in 1863. The interest saved by the purchase of this portion of the securities was larger than the apparent loss of capital by £6,420. Compared with the actual expenditure of 1863-64, there is a diminished charge of £42,930.

The saving of £83,229 in "Interest" arises from too small a deduction having been made in respect of unclaimed dividends.

"Guaranteed interest on Railway Capital, less net Traffic Receipts," shows a saving of £234,500, arising from an increase of £246,583 in the net Traffic Receipts of the current year beyond the sum assumed in the Budget Estimate. Compared with the actual expenditure of 1863-64, the saving is £280,867. Considering the great extent of Railway which has lately been opened, and the rapid growth of the traffic, there is reason to believe that this charge reached its maximum last year, and that it will henceforth steadily diminish. There is a further considerable reduction in the Budget Estimate.

According to the Regular Estimate, the net increase of Expenditure compared with the Budget Estimate amounts to £1,287,667. Somewhat less than half of this excess is additional Military expenditure caused by the increase of prices, the Bhootan War, and improvements of various kinds which have been made in favor of Officers and men, and the remainder may be said to have been invested in Opium and Public Works.

The Budget Estimate for 1864-65 assumed a surplus of Income over Expenditure of £823,288. According to the Regular Estimate, there will be a deficit of £344,143, being a difference against the Budget Estimate of £1,167,431, which is composed, as already explained, of—

Increase of Revenues and Receipts	*better*	£120,236
Increase of Expenditure ...	*worse*	£1,287,667
Difference ...	*worse*	£1,167,431

According to the Estimate of Cash Balances attached to the Budget Estimate of 1864-65, the amount in the Indian Treasuries on the 30th of April 1865 should have been £13,819,697. According to the corresponding Statement attached to the Regular Estimate, it will be £10,979,859, or £2,839,838 less. This large difference arises from the following causes:—

1st.—From the Cash Balance at the commencement of the financial year 1864-65 having been taken on 22nd March 1865, £1,901,822 below the amount at which it had been estimated on the 7th April 1864. Of this difference of £1,901,822, only £87,784 was caused by variations in the Revenues and Charges.

2nd.—From variations between the Receipts and Disbursements in the cash transactions of the Indian Treasuries, as stated on the 7th April 1864, and on the 22nd March 1865, viz.:—

	£
Receipts increased from £60,264,097 to £61,070,842, increase ...	806,745
Disbursements increased from £60,978,234 to £62,722,995, increase	1,744,761
Difference ...	£938,016

£1,901,822 + £938,016 = £2,839,838.

The only investments which have been made out of the Cash Balances in 1864-65 are £174,000 for the Government share of the increased capital of the Banks of Bengal and Bombay, and £80,000 for paying off Treasury Notes belonging to the Suitors' funds of the Recorder's Courts in the Straits Settlements. On the other hand, the balances have been strengthened by the transfer to the Currency Department of a portion of the Government Securities which were purchased in the beginning of 1863 by the disbursement of a million Sterling out of the Cash Balances, when they amounted to upwards of £19,000,000. The amount so obtained at the date the Regular Estimate was closed was £535,000, and the proceeds of the remainder, £405,660, will be paid into the Treasury in 1864-65. This increases the balance on the 30th April to that extent. As the interest is credited to the Government and the remaining deposits are more than sufficient to meet every possible demand of the Currency Department, this is practically a permanent loan without interest.

The revision of the Cash Balances alluded to in my last Financial Statement has been completed, and it has become apparent that, by properly limiting the sums to be retained in the District Treasuries, the public expenditure may be carried no with a smaller aggregate balance than has heretofore been considered necessary. This result is due in a great degree to the progress of Railways, and as Gold and Paper take the place of Silver in the Currency, it will be more fully attained. Besides diminishing the stock of specie in circulation and depriving the public of the use of a portion of its assets, high cash balances have a tendency to relax the motives to economy on the part of public servants, and to encourage others to depend upon the Government for assistance when they ought to help themselves. The English practice of confining the cash balances to what is really necessary to work the expenditure, and, if more money is wanted, of raising it by taxation or loan, is preferable to the old Indian practice, copied from the Native States, of keeping indefinite hoards under the name of cash balances.

I shall now proceed to the Estimate of the expenditure for 1865-66.

The reduction of £44,680 under "Allowances, Refunds, and Drawbacks" is chiefly due to the expiration of the Income Tax, the refunds connected with which are always large.

The expenditure under "Land Revenue, Forest, and Abkaree" has been constantly on the increase since 1861-62, when it amounted only to £2,030,489. Last year a Circular was issued calling attention to the necessity for keeping this expenditure under strict control, but there is, nevertheless, a further increase of £129,290 compared with the Budget Estimate for 1864-65. This is caused by the growth of the temporary Establishments required for the active prosecution of the Land Revenue Settlement, and by the increased allowances consequent upon the rise of wages and prices. There has also been a further increase of expenditure for the organization of the Forest Establishments.

The increase of £15,907 under "Customs" is caused, as already explained, by the revision of the Establishments at Calcutta and Bombay.

Under "Salt" there is an increased expenditure of £42,555 compared with 1863-64, and of £16,823 compared with the Budget Estimate, while there is a decrease of £14,120 compared with the Regular Estimate of 1864-65. It will be remembered that in the Regular Estimate for the current year, some extraordinary expenditure was provided for under this head which is not likely to recur.

The large reduction in the Opium expenditure, amounting to £351,693 compared with 1863-64, and £753,040 compared with the Regular Estimate of 1864-65, is caused by a diminution both in the quantity of Opium to be provided, and in the rate of payment for it, which will be more fully explained under Revenue.

The decrease of £28,702 under "Mint" compared with 1863-64, and of £102,685 compared with the Budget Estimate of 1864-65, is caused by the more correct mode of exhibiting the Copper received for coinage from England, which has been explained in connection with the Regular Estimate.

Under "Post Office" the decrease of £71,181 compared with 1863-64, and of £61,005 as compared with the Budget Estimate of 1864-65, is caused by the abolition of the Bullock Train. The increase of £15,180 compared with the Regular Estimate arises partly from numerous revisions of Establishment to improve the efficiency of the Post Office service, and partly from the necessity which has arisen for increasing rates of pay and contract allowances owing to dearness of provisions. The Post Office Establishments were, from their nature, more immediately affected by these changes, and the re-adjustment has been made with a careful attention to economy.

The increase of £56,150 under "Electric Telegraph" is caused by the additional expenditure connected with the Indo-European line.

Under "Allowances and Assignments under Treaties and Engagements," the reduction of £38,435 compared with 1863-64, and of £21,232 compared with the Budget Estimate of 1864-65, chiefly arises from the lapse of the pension of £15,000 a year received by the late Nawab of Tonk, and from commutations and lapses of pensions in Tanjore and the Carnatic.

Under "Allowances to District and Village Officers," there is a reduction of £41,229 compared with 1863-64, and of £44,821 compared with the Budget Estimate of 1864-65, arising from the commutation of allowances in Bombay, and the separate provision which has been made by legislation for Village Officers at Madras.

There is an increase under "Miscellaneous" of £72,634 compared with 1863-64 and of £53,666 compared with the Budget Estimate of 1864-65, arising chiefly from the re-organization of the District Post Establishments and their transfer to this head from "Land Revenue, Forest, and Abkaree." Land purchased for revenue buildings has also been ordered to be charged under this head.

I stated that there was an increase of Military expenditure in the Regular Estimate over the Budget Estimate of 1864-65 of £674,571. In the Budget Estimate of 1865-66 there is a further increase of £426,800, making the increase upon the Budget of last year £1,101,371. The increase compared with the actual expenditure of 1863-64 is £1,057,491. The greater part of the expense of the Bhootan War is included under the several heads of the ordinary grant, and another £100,000 has been added for extraordinaries.

Since the beginning of last year, the following reductions of Military Force have been made:—

The East India Regiment.

Four Regiments of Madras Native Infantry.

Two Regiments of British Infantry transferred to the Home Establishment.

Reductions of Artillery equal to seven European and three Native Batteries.

Five Troops of the Mahratta Horse.

At any previous time, such a reduction of Military Force as this would have had a sensible effect in decreasing the expenditure of the Army, but such has been the increase of prices and wages, that the entire result has disappeared in the great increase which has taken place in the cost of the remainder of the Force. A comparative statement of the Military Budget Estimates for 1864-65 and 1865-66 will be found in the Appendix, together with an explanation of the causes of increase. These are substantially the same as those contained in my remarks on the Regular Estimate.

As the expenditure of the Indian Army defrayed in England for 1865-66 is estimated at £2,883,872, the total cost of the Army in the same year will be £16,638,432. The incidental receipts are estimated at £850,000, and the net cost will, therefore, be £15,788,432.

The estimate for the cost of the British Army for 1864-65 was £14,844,888; the estimated incidental receipts, £1,324,442; and the net cost, £13,520,446.

The settlement of the grant for Public Works has engaged the anxious attention of the Government. Excluding the State expenditure for guaranteed enterprise, the grants for Public Works since 1859-60 have amounted to about £27,012,000. To this has to be added £1,046,016 from the twenty per cent. appropriated from the Income

Tax in aid of Local Funds, and the additional sums annually expended from the independent income of those Funds, which may be estimated at £760,000 a year. The total amount transferred from circulating to fixed capital in these six years, and invested in administrative buildings, roads, irrigation, and other works intended to promote the productiveness and good government of the country, cannot therefore, be much less than £33,000,000.

Of these £33,000,000, about £11,907,995 has been expended in the two years 1863-64 and 1864-65, i. e.,

	£
Original and additional grants from public revenue ..	9,175,000
From Local Funds	2,135,615
From the one per cent. appropriated from the Income Tax in aid of Local Funds	597,380
Total	£11,907,995

The whole amount which has been appropriated in aid of Local Works from the Income Tax during the five years of its incidence is £1,500,000, or at the rate of £300,000 a year. This will now cease, and Local Funds will have to meet the demands upon them without further assistance from the public revenue.

The Civil expenditure for Public Works for 1865-66 has been fixed as follows on the basis of the original appropriation of last year, excluding the extra grants made in the course of the year:—

	£
Civil Buildings	650,000
Works of Public Improvement ...	2,000,000
Establishments ..	800,000
Total ...	£3,450,000

Divided among all the Local Governments and Administrations, this sum will barely suffice, at the present prices of labor and materials, to provide for the most urgent wants of this great Continent. The proportion available for works of irrigation may be estimated, at the outside, at £500,000, but half of this is required for the maintenance of the existing works in every part of British India upon which the due realization of the Land Revenue depends. The annual sum remaining available for new works of irrigation is, therefore, only £250,000, which is not sufficient even to complete, within a reasonable period, the great works which have been already commenced.

This grant has been carefully allotted among the different Local Governments, and is to be regarded as final. The practice of making additional grants in the course of the year is to be discontinued, except under circumstances of a really extraordinary nature; and all urgent wants not provided for in the Budget Estimate will, therefore, have to be met by re-appropriation from other works which can be postponed. The sums assigned for Civil Buildings, Works of Public Improvement, and Establishments, are liable to variation at the discretion of the Local Governments, provided the total amount allotted to each Government is not exceeded.

The paramount necessity of providing the Barracks required for the health of the European Troops and the works of defence upon which the public security in some degree depends, has long been admitted, but the preliminary arrangements have only lately been completed. The total outlay will, probably, not be much less than £10,000,000, including the cost of Establishments; and the work is obviously one which ought to be carried on as fast as the requisite preparations can be made. The expenditure on this account for 1865-66 is estimated at £1,000,000, after which it will proceed at an increased rate until the object has been accomplished.

The other sums required for the service of the year 1865-66 under the head of Public Works, are:—

	£
For the ordinary repairs of military buildings ..	250,000
Public Works at Bombay charged on the proceeds of the sales of land at that place	700,000
Twenty per cent. appropriated from the Income Tax	110,000
Railway supervision and cost of land	207,425
Loss by Railway exchange	171,215

The total amount required under every head of Public Works for 1865-66 is, therefore, £5,888,640, which is £529,910 more than the Budget for 1864-65, and £202,823 more than the Regular Estimate. The increase is caused by the addition of £400,000 for new Military Works, including the due proportion of Establishments, of £495,670 for Public Works at Bombay charged on the local sales of land, of £70,000 for Civil Buildings, and £10,000 for Establishments. On the other hand, Railway supervision is less by £102,075, the sum appropriated from the Income Tax, by £140,000, loss by Railway exchange, by £85,685, and Works of Public Improvement, by £118,000.

Whatever may be the general objections to providing for any portion of the public expenditure by means of loans, it is evident that the large sums which will be required for some years to come for Military Works cannot be furnished from the revenue of the year, in addition to all the other demands upon it, without an increase of taxation, which would interfere with the prosperity of the country, and that it would not, therefore, be right to impose on the existing generation the entire charge for works which are intended for the public service for all time to come. This principle has been acted upon in the parallel case of the Dock-yard fortifications in England. The argument applies with increased force to new works for irrigation, which, properly managed, include their own sinking fund; and in reference to these it has been determined by Her Majesty's Government that "when the surplus revenues and available balances prove insufficient to supply the requirements of the country, funds by means of loans shall be raised." It will be proposed to the Secretary of State that relief should be afforded to the revenue of 1865-66 to the extent of £1,200,000, which will be raised by loan in England, and the drafts upon India will be *pro tanto* diminished. The portion of the grant for public works to be

provided for from the revenue of the year 1865-66 will, therefore, be £4,688,640, which will be £670,090 less than the Budget Estimate, and £997,177 less than the Regular Estimate of 1864-65.

"Salaries and Expenses of Public Departments" show an increase of £74,109 compared with 1863-64, and of £44,295 compared with the Budget Estimate of 1864-65. The chief causes of increase are the creation of seven new Currency Circles, the revival of the Office of Financial Commissioner in Oudh, the appointment of a new Deputy Auditor and Accountant General for British Burmah, the additional cost incurred on the revision of the Secretariats in the Military and Public Works Departments, and the increased charges for the Legislative Members of Council.

Under "Law and Justice" there is an increase of £379,424 compared with 1863-64, and of £145,749 compared with the Budget Estimate of 1864-65. Of this large increase, £140,740 arises from the increased cost of clothing and provisioning prisoners in Jails and the additions which have been made to the salaries of the Establishments. The difference is due to the new establishments employed under the recent Act for the Registration of Assurances.

There is an increase under "Police" of £142,108 compared with 1863-64, and of £95,350 compared with the Regular Estimate of 1864-65, of which £50,000 occurs in Bengal, £40,000 in Madras, £16,000 in the Berars, and £7,000 in the Central Provinces, while there is a decrease of £5,700 on account of the abolition of the Office of Inspector General of Police.

The grant for Education is £622,210, which is £180,354 more than the Actual Expenditure of 1863-64, and £61,035 more than the Budget Estimate of 1864-65. It will be seen from the progressive increase of this grant from £342,593 in 1861-62 to £622,210 in 1865-66, that the means of promoting national education have not been stinted. The public grants for this purpose are also largely supplemented by local funds derived from School fees and subscriptions, and in some Provinces from percentages on the Land Revenue. I cannot help rejoicing when I contrast this liberal support of education with the single annual lakh of Rupees, or £10,000, which it was once my privilege to administer in concert with Lord Macaulay, Sir Edward Ryan, and other early friends of Native Education.

The Estimate for "Superannuation and Retired Allowances" is £119,752 more than the Actual Expenditure of 1863-64, and £150,760 less than the Regular Estimate of 1864-65. These variations mainly arise from the assimilation of the mode of adjusting the Service Donations to that in use as regards the other portions of the debt. While the charge on this account for 1863-64 was carried forward to 1864-65, the arrears, which amounted to nearly an equal sum, were shown against the revenue of 1863-64. The larger sum in the Regular Estimate of 1864-65 arises from the fact that the amount transferred included the triennial adjustment. The Estimate for 1865-66 includes the normal charge on this account.

Under "Miscellaneous and Civil Contingencies," there is a decrease, compared with 1863-64, of £139,850, which is caused by the accounts of 1863-64 having included £75,000 for the investment made in favor of Madhao Rao, by a diminution in the expenditure for the Governor General's tour, and loss by exchange. The reduction of £96,920 compared with the Regular Estimate for 1864-65 chiefly arises from the latter having been swollen by the expenditure caused by the calamity at Masulipatam.

There is an increased charge under "Interest" of £108,570 compared with 1863-64, and of £71,320 compared with the Regular Estimate of 1864-65. This is the result of a calculation embracing a great variety of items. The chief causes of increase are larger balances of the Service and other Funds, and the charge for Interest on the Promissory Notes transferred to the Currency Department.

The "net expenditure in England" amounts to £5,483,390, which is £705,760 more than 1863-64, £553,466 more than the Budget Estimate of 1864-65, and £593,354 more than the Regular Estimate of the same year. This large increase of expenditure is caused by a new charge of £750,000 for the construction of vessels for the transport of Troops to India.

"Guaranteed Interest on Railway Capital, less net Traffic Receipts," is estimated £1,234,000 against £1,388,416 in 1864-65, or £154,416 less. The guaranteed interest payable in England has increased by only £154,000, while the net traffic receipts in India are expected to increase by £276,333.

The total estimated expenditure for 1865-66 is £47,186,930, which shows the following increases:—

Compared with the actual expenditure of 1863-64	£2,652,245
Ditto with the Budget Estimate of 1864-65	£1,846,348
Ditto with the Regular Estimate	£558,681

I will now make such remarks as may be necessary on the estimate of the revenue of 1865-66.

It is proposed to take the estimate of "Land Revenue" at £20,208,190. This is £95,233 less than was actually received in 1863-64, which included £280,000 from the sale of Khas Mehals in Bengal against an estimated receipt of £80,000 in 1865-66. On the other hand, it is £113,390 more than the estimated receipts of 1864-65; but these last were diminished by the inundation at Madras and the partial failure of the rains in the North-West Provinces.

The estimated receipts from "Forest" are £383,000, being £78,557 more than the receipts in 1863-64. This is a smaller increase than may be expected from the arrangements which have been made for the more perfect organization of the Forest Department.

"Abkaree" is estimated at £2,335,320, which is only £62,370 more than is expected to be received in the current year. The rate of increase in previous years has been much larger.

Under "Assessed Taxes" the estimate is taken for the last quarter of the Income Tax, which expires by law on the 31st of July next. The sum expected to be received is £551,140, which includes a considerable amount of arrears.

The estimate for the "Customs" Revenue shows a decrease of £192,781 compared with 1863-64, and of £64,190 compared with the Regular Estimate of 1864-65. This allows for a loss of £40,000 in consequence of the reduction of the duty upon Saltpetre from two Rupees to one Rupee a maund, and assumes the continuance of the depressed state of the Import trade. It may be hoped that the result will not justify this expectation.

The "Salt" Revenue is estimated at £5,782,880, which is £747,184 more than the receipts of 1863-64, and £158,630 more than the amount expected to be received in the current year. This estimate is fully justified by the previous growth of this branch of revenue, by the additional facilities for the conveyance of Salt into the interior, by the improved preventive arrangements in several Provinces, and by an estimated increase of £70,000 expected to be realized by an additional duty of four annas a maund in the Bombay Presidency.

In estimating the "Opium" Revenue for the current year, the point of immediate importance is the quantity of Opium likely to be brought to sale at Calcutta. This is expected to be 59,513 chests, i. e., two-thirds of the last crop, which amounted to 64,269 chests, and one-third of the crop of the current year, which is estimated at 50,000 chests.

But the means which have been taken to regulate the future production of Opium in Bengal must not be left out of sight. It has been determined that the price to be paid to the Ryots shall be reduced from Rs. 5 to Rs. 4-8 a seer; that the cultivation in the Benares Agency shall be diminished until the average yield bears the same proportion to that of the Patna Agency as it bore in 1859-60, when the selling prices of the two kinds of Opium were nearly equal; and that 45,000 chests shall be the standard provision from the two Agencies in future years. Taken in connection with the constantly increasing demand in China, and the check which has been given to the growth of Native Opium there, by the increased importations of the superior Indian produce, these arrangements to limit the quantity in Bengal cannot fail to exercise a favorable influence upon the sales towards the close of the next financial year, and it may be hoped that in the following years they will secure as near an approach to a maximum net receipt as can be expected from so variable a branch of revenue.

The average price at the last three sales has been Rs. 841 per chest, and after giving due weight to the preceding considerations, it has been determined to take the Estimate for Bengal Opium at Rs. 850 per chest. Adding to this £165,000 for Miscellaneous and Abkaree Revenue, the Estimate for Bengal will amount to £5,223,600.

Malwa Opium has a separate field of consumption in China, and its price is only partially influenced by the price of Bengal Opium. After a full consideration of all the circumstances, it has not been considered advisable to reduce the Pass Duty upon Malwa Opium. The Estimate for 1865-66 has been taken at £2,500,000, which assumes that Passes will be taken out for 41,666 chests.

The entire Opium Estimate will, therefore, be £7,723,600, which is £476,400 less than the last Budget Estimate, and £209,480 more than the Regular Estimate.

The increase in the Stamp Revenue of 1863-64 over that of 1862-63 is £245,578. The estimated increase in the present year over 1863-64 is £176,924. It is proposed to take the Stamp Revenue for 1865-66 at £2,058,500, which is an estimated increase of £146,360 over the present year.

"Mint," "Post Office," and "Electric Telegraph" are estimated each at a moderate increase over the Regular Estimate of the current year.

The receipts under "Law, Justice, and Police" are estimated at £132,320 more than is expected to be realized in the current year. This increase arises from the anticipated receipts under the new Registration Act, additional contributions from Municipal funds for Police, and from a general increase in the receipts from Judicial Fees.

The Estimate for Public Works Receipts has been taken at £1,000,000, which is £16,650 less than is expected to be received according to the Regular Estimate of the current year. It is supposed that the increased Water rates in Northern India will yield an additional £50,000. Great uncertainty prevails as to the amount likely to be realized from land sales at Bombay within the year 1865-66. According to the best information that can be obtained, it has been estimated at £498,350, which falls short of the corresponding receipts in the Regular Estimate of 1864-65 by £66,650.

The increase of £150,000 under "Miscellaneous, Military," is the result of the measures which have been taken to dispose of useless Ordnance stores.

The increased receipts under "Interest" arise from a larger sum having been invested in the Currency Department, and from dividends on a larger number of Bank Shares.

The total estimated revenue is £46,488,760, which exceeds the actual receipts of 1863-64 by £1,875,732, the Budget Estimate of 1864-65 by £324,890, and the Regular Estimate of the same year by £204,654. To the sum of £46,488,760, the estimated income of the year, has to be added the £1,200,000, which it has been determined to borrow for Military and Irrigation works in aid of the ways and means of the year, making the total receipts £47,688,760.

As the estimated expenditure is £47,186,930, there will be a surplus of £501,830.

The Estimate of expenditure for next year has been taken on a liberal scale even according to the increased rates of prices and wages; and if the Bhútan War soon comes to a close, there ought, with proper economy, to be a considerable saving in the large army grant.

The Estimate of receipts only assumes the normal increase of the ordinary branches of revenue, whereas something more than this has begun to appear. The vast expenditure of late years upon railways, roads, and other works auxiliary to production has begun to bear fruit, especially in reference to the remarkable increase of bulky exportable produce. Even in a strictly financial view, the guaranteed Railway system is showing decided symptoms of improvement. The Opium revenue has also passed its crisis and may be

more relied upon than heretofore. Every item which could be open to question has been excluded from the Estimate. For instance, in order to simplify and clear the accounts, the Government has determined that the ordinary deposits in the Treasuries shall, after a certain period, be carried to the public credit, subject to their being repaid out of revenue whenever a claim is established to them. Under this head I was entitled to the benefit of large sums which must sooner or later be passed through the Budget Balance Sheet, which is the great Profit and Loss Account of the Empire; but as it might have been objected that, although properly credited to revenue, this action upon the Deposits will not bring a Rupee into the Treasuries which is not already there, the change has been postponed to a time when it will not be open to misconstruction. Neither has the more substantial resource of the purchase money of the 24-Pergunnahs and Jessore Sunderbuns been taken credit for.

It is true that the ways and means of the year are, to the extent of £1,200,000, composed of borrowed money. But this loan has nothing in common with the shifts and expedients of insolvent or embarrassed States. It is the result of a discriminating policy which confines taxation to its just objects, and provides by loan for reproductive works and for works of every kind which are on such a scale as would too severely strain the resources of a single generation. The best employment of money is that which the industrial classes make of their annual savings for their own sake, and it is no real advantage to the community to interfere seriously with this natural process and to cause general harassment and discontent in order to accelerate the execution of Public Works. Even if the condition of the finances were all that could be desired, it would still be expedient to limit taxation to the proper business of Government, and to provide for reproductive works by means of specially appropriated funds.

One item of receipt will not recur. The remaining quarter's Income Tax, including arrears and deducting the charge of collection and the twenty per cent. appropriated to Local Funds, amounts to £421,750. If this were struck out of the Budget of 1865-66, there would still be a small surplus. If things remain the same, there will still be this surplus in 1866-67.

It is proposed to make a moderate addition to the estimated surplus of £501,830 by having recourse to a class of taxes which, when they have been imposed with proper reserve, have always proved a valuable resource of Indian finance.

The old policy of the East India Company was to levy low rates of duty both upon exports and imports. However contrary this practice may have been to some received maxims of political economy, it was suited to the circumstances of the country, for, owing partly to the abundance and richness of the productions of India, and partly to the simple habits of the people, the exports of merchandize have always greatly exceeded the imports, and our Indian exports have in general such a hold upon foreign markets that they can bear some duty without being seriously checked.

This policy has of late years been departed from to a certain extent. Under the financial pressure caused by the mutiny, the 5 per cent. import duties were raised to 10 per cent., and in some cases to 20 per cent., but they were last year reduced to 7½ per cent., while the year before the duty upon iron was rendered nominal. On the other hand, the duty upon several staples of the export trade was entirely remitted in 1860, with the exception of the duty upon Saltpetre, which was raised to a rate inconsistent with the prosperity of the trade, and it has lately been reduced by one-half.

So far as India possesses the monopoly of the foreign market, or a decided superiority over all other countries taken together, an export duty must be paid by the consumer. So far as exported articles are met by an effective competition in the foreign market, the duty must be paid by the producer. But there never was a time when Indian producers were so well able to bear a moderate charge. While the assessment of the Land Revenue has been diminished, the price of agricultural produce has risen, and persons of every class connected with the cultivation of the land enjoy unusual prosperity. It must also be borne in mind that the heaviest expenditure in public works is for the construction of roads to facilitate the conveyance of exportable commodities to the coast. The Tea and Coffee districts have, besides, to be provided with almost every thing which constitutes the outfit of a civilised administration.

Jute, Wool, Tea, and Coffee were placed on the free list in 1860, previously to which they were subjected to the normal duty of 3 per cent. charged on unenumerated articles. The increase which has taken place in their production, and the high prices which they have commanded for exportation during the last few years, show that any reduction of price which might be caused by a moderate duty would in no way discourage the cultivation. Jute when manufactured into Gunny Bags and other articles is charged an export duty of 3 per cent., and the manufacture of the country is, thereby, placed at a disadvantage in any market where it may be brought into competition with similar articles manufactured in England.

The annual value of the exports of these four articles has increased since 1860-61 as follows :—

	1860-61.	1861-62.	1862-63.	1863-64.
	£	£	£	£
Jute ...	409,283	571,736	811,108	1,598,084
Wool ...	473,544	862,672	1,477,214	1,511,644
Tea ...	101,693	131,314	179,613	222,035
Coffee ...	249,095	402,994	426,489	518,768

It is proposed to extend to these articles the normal export duty of three per cent., which may be expected to yield £130,000 a year.

Hides, Sugar, and Silk have not increased in the same proportion, but they would, nevertheless, bear a low rate of duty without any discouragement to the trade. It is proposed to subject them to a duty of two per cent., which will yield about £60,000 a year.

The export duty on grain was increased in 1860 from half an anna to two annas a maund. Much the most important article under this head is Rice. Although India has no monopoly of its production, she provides the largest portion of the supply for foreign markets; and the climate and soil of large tracts are so congenial to its cultivation, that it is grown under great advantages, and would easily bear another anna a maund. The value of the exports has increased in each of the last five years as follows:—

	£
1859-60	2,265,656
1860-61	2,938,876
1861-62	3,285,894
1862-63	3,320,923
1863-64	3,936,709

It is proposed to raise the export duty on rice and other grains from two annas to three annas a maund, which is expected to give an additional £140,000.

The total estimated increase of revenue from these duties is £330,000, whereby the estimated surplus will be raised to £831,830.

On the other hand, it is proposed to reduce the import duty upon hops from 7½ to one per cent. This is necessary in order to place the produce of the Indian Breweries on an equal footing with the beer imported from England, which is liable only to the nominal duty of one anna a gallon. The loss of revenue will be about £1,000.

The Income Tax, which, to use Mr. Wilson's words, "was passed for a limited period with a view to the present emergency," will expire on the day appointed by law—the 31st of July next. As a potent but imperfect fiscal machine, it should be regarded as the great financial reserve of the country; and it will now be laid on the shelf complete in all its gear, ready to be reimposed in case of any new emergency.

The Income Tax was passed for five years from July 31st 1860 at the rate of two per cent. upon Incomes between Rs. 200 and Rs. 500 a year, and of four per cent. upon Incomes above Rs. 500; and, of this last mentioned four per cent., one per cent. was appropriated to Roads, Canals, or other reproductive works. The assessment was to be an annual one; but, before the first year had expired, an Act was passed, authorizing the Governor General in Council to continue the original assessments for another year. In May 1862 this power was extended to the remaining three years, and the limit of exemption was raised from Rs. 200 to Rs. 500. From the 31st of July 1863 the rate of four per cent. was reduced to three. The original assessment has become obsolete in every sense. Persons deriving their income from salaries and the Funds pay the full three per cent., but the assessments made five years ago, which were originally insufficient and unequal, have become much more so by the great increase of wealth and by the change in the circumstances of individuals during the interval.

The gross amount that will be realized from the Income Tax in five years will be £8,008,127, and the cost of the Establishments employed in collecting it will be £366,160, or, at the average rate of about 4¾ per cent., leaving £7,641,967 as the net proceeds of the Tax. The sum appropriated to local works will be £1,500,000, so that the benefit to the general Revenue from the Income Tax will be about £6,141,967. Debt to a much larger amount than this has been paid off at home and in India within the last three years. I have followed the usual course in taking the cost of the Tax at the expense of the machinery actually employed in collecting it; but in order to estimate the real cost, the work it caused to the different Governments, Secretariats, Army, and Police, the printing, translating, telegraphing, stationery, and all the other incidents of the tax, should be included.

Holding the position I do, it will, of course, be expected that I should express my opinion on our present financial position.

India is prospering beyond all former precedent. The Ryot has become emancipated from the money lender, and has something to spare for the indulgence of his tastes and the improvement of his cultivation. Wages are rising throughout India, while, at some of the Ports, they have attained almost to European rates. Mercantile gains, especially in the west of India, have been as large as they are liberally spent in charitable, ornamental, and reproductive works. The great and decisive change has also begun to appear that the Natives, from the Parsee and Marwaree Millionaires down to the Ryots and small Traders, bring forward their savings for investment instead of hoarding them. India has entered upon a course of industrial activity, and there has been for some time a remarkable absence even of the disquieting rumors which used to fill up the intervals of actual hostilities.

We stand at the commencement of an economical and social revolution which is pregnant with the most important results. In its bearing upon the people, the benefit seems to be almost without qualification; but in reference to the Government, the matter has a double aspect. The increase of prices has passed like a wave over the whole of India, and has penetrated its remotest recesses. It has become necessary to give compensation to the Military Force in most parts of India, extending in many cases even to fire-wood for the men and forage for the horses. The compensation for a single Native Cavalry Regiment at Dharwar was at the rate of upwards of £10,000 a year until the Regiment was ordered to be disbanded. A rateable increase of pay is given for the same reason to the Police, Postal, and ordinary Civil Subordinate Establishments in the Bombay Presidency and Central India, and, as regards most of them, also in the Madras Presidency. In spite of every precaution, this influence is already sensibly felt throughout the great Bengal Presidency in raising the standard of the public expenditure. In every part of India much higher prices have to be paid for Commissariat supplies, and labor and materials of every description for every Civil and Military Department.

The purchasing power of money has diminished. It is the same thing as if the public revenue had been positively reduced by a considerable amount. If the balance were restored by a *pro rata* increase on the whole of the existing taxation, there would be no real addition to the burdens of the people, because their means have increased in a still greater proportion. The settlement of the Land Tax, however, which is nearly half the ordinary revenue, is proceeding for the most part at the

reduced rates based upon former low prices. The profits have been left to the Agriculturist, and the fruits are reaped by the Government only in a steadily rising value of land and in a general increase of prosperity and contentment.

Concurrently with this, a demand which may be controlled, but cannot and ought not to be resisted, has arisen for improved administration. In Police, in Jails, in the judicial administration, in all that relates to the accommodation and treatment of the soldier, public feeling is no longer content with the former less perfect arrangements. But nothing is dearer than good government. Every plan of improvement resolves itself into a question of additional expenditure. A striking instance of the combined effect of increased prices and administrative reform will be seen in the comparative Statement, in the Appendix, of the cost of Jails in 1863-64 and 1865-66.

Nevertheless, I am of opinion that, provided proper economy is exercised, the existing sources of revenue, with only such ordinary improvements as time and circumstances require, will suffice. One of the greatest objections to the Income Tax is, that it is felt to be such a powerful instrument of taxation as to induce a relaxation of the habit of economy. The disposition will always be to spend up to an Income Tax. In order to prevent, I will not say profuseness, but a feeling of indifference about the spending of public money, there must be a sense that we are dealing with limited funds. The resources still to be derived from a judicious frugality are extremely important.* Although the crop was reaped in 1860-61, valuable gleanings have since been obtained in the shape of further reductions in the Military Force, in the Marine Establishments, and in those formerly connected with the abolished Government manufacture of Salt in Bengal; and arrangements are in progress for transferring the cost of the Police of Towns to the inhabitants.

The social revolution in progress also has its own compensations. The prosperity, for the wants of which we have to provide, is itself highly conducive to the increase of the revenue. India cannot be fully occupied with the arts of peace and the arts of war at the same time. Populations which were formerly of a highly warlike character have become entirely industrial. In the south of India, the people have lost the habit of wearing or using arms, and this change is gradually extending to our provinces in the north. The Railways have also greatly increased the efficacy of any given Military Force, and the native troops are so sensible of this, that they say in the Punjab that they might now mount guard at Calcutta. The increased Military expenditure ought, therefore, to be met by a reduction of numbers.

Again, the Subordinate Civil Establishments are unnecessarily large, because, having been cheap, there was a feeling of indifference about their number, and having been ill-paid, they were inferior in point of qualification, and lax in their application to work. The Government of India has not refused to increase the salaries of the Subordinate Civil Establishments. It is only desired that the increase should be made after a careful scrutiny, both of the number really wanted, and of the work which really has to be performed, for one of the consequences of the former lax system is that there is a great deal of surplus waste work. The admirable manner in which reduction and re-arrangement have been combined with increase of salaries in the Post Office Department in every part of India, shows that if proper precautions are taken, the revision of the Public Establishments with reference to the increased cost of living may be made without any serious increase of expense. The same process has been successfully applied to all the Revenue Establishments of the Madras Presidency. Lastly, although we are working up to an advanced European standard, we should remember that, with immense capabilities, India is still in a backward, undeveloped state, and we ought not to attempt to arrive *per saltum* at a complete administrative machinery, in advance, both of our resources, and of the condition of sound progress.

If additional revenue should hereafter be required, a sure, and, in my opinion, perfectly unobjectionable resource will be found in a moderate increase of the Salt Tax. The body of the people of India are the countless Peasant Proprietors, and the much smaller number of persons who live by wages in town and country. The annual incidence of the highest existing rate of duty upon Salt, calculated upon the consumption of a single individual, is less than one shilling, and the profits of agriculture and the rates of wages have so increased of late, that this bears an inappreciable proportion to the income even of the most ordinary laborer. Owing to the greatly increased importations from Liverpool, the average price of Salt in Bengal, exclusive of duty, is not half what it was, while in the south and west of India the price has been greatly diminished by the reduction in the cost of carriage, arising from the opening of the Railroads to various points in the interior. Half the revenue of England is levied upon consumable articles which from habit have become necesaries, but taxes of this class are represented in India only by the Salt Tax and the excise upon Spirits and Drugs, amounting to about one-seventh of the revenue. No Tax can be collected more cheaply or with less annoyance to the people than the Salt Tax. In India, where the interference of subordinate fiscal Agents is more than usually disliked, this is one of the greatest recommendations of a tax. An addition even of two annas a maund, or 3*d.* on 80 lbs. of Salt, would yield £250,000, and it would be collected net without any addition to the existing machinery.

The only really productive Taxes are those which are paid by the body of the people. Clearly they ought to pay their fair share, for they profit even more than the rich by the advantages of good government. A rich man can generally protect himself, but if the interests of the poor man are not cared for by the State, he is ground down by the rich and is rarely able to rise in the social scale. The increased prices and wages from which the bulk of the payers of this Tax are enjoying such great advantages, are distinctly the result of strong and just government, and they are also the main cause of the increased expenditure for which we have to provide.

The first sales by auction of the remaining stock of Government Salt in Bengal will take

* NOTE.—A large sum might be saved in Government printing alone, which in almost every part of India is carried to an excess, wasteful alike of money, mind, and time. At home, with much less necessity for reform, the public printing has been brought under strict regulation.

place this year. Owing to the low rates at which Liverpool Salt has been delivered, the sales of Government Salt, actual and estimated, in the current year, at the fixed rates, are only 9,34,252 maunds compared with 11,78,335 maunds in 1863-64, and 19,13,978 maunds in 1862-63, besides which 2,14,681 maunds have been destroyed by the Cyclone. After deducting 55,102 tons to be sold by auction, and making a reasonable allowance for further sales at the fixed rate, the stock remaining on hand at the end of 1865-66 may be estimated at 151,893 tons. Meanwhile, the area of consumption of Liverpool Salt in the interior is continually extending, and it may be expected that, after the opening of the Railway Bridge at Allahabad, it will compete with the Rajpútana Salt on its own ground at Agra and Delhi.

This year has been distinguished for a remarkable development of the principles of municipal administration and private enterprise. It has become apparent that the demands of India for the improvements which belong to a higher state of civilization cannot be fully met either by the revenue received by the Government, or by the agency at its disposal. Finding that the Government was not prepared to advance money for the improvement of Calcutta, the Municipality advertised for a loan and obtained the requisite amount on moderate terms. In like manner, the Government expressed its opinion that the formation of an auxiliary Port on the River Mutla belonged rather to private than to public enterprise, and a Company was formed with a capital of £1,200,000 for the construction of the necessary works. The extensive plans of reclamation in progress in connection with Bombay and Calcutta, and the numerous Companies for Tea and Coffee cultivation, Coal Mines, conveyance of passengers and goods by land and water, and other objects, show that the future growth of India will not be limited by the standard of the means and action of the Government. The small beginnings of many of these undertakings were fostered by the Government, but as private enterprise has advanced, the Government has receded, and the relative position is annually approximating to the state of things in England.

In the Punjab, the North-West and Central Provinces, and British Burmah, the towns have, with rare exceptions, been organized into Municipalities which are charged with the payment of the Police, and with every necessary work of conservancy and general improvement. In August last, a Resolution of the Government of India was promulgated, the object of which was to extend this system to the rest of India, with the understanding that the inhabitants should raise the necessary funds in whatever manner they might think proper, subject to the approval of the Local Governments. Such institutions are necessarily of slow growth, but the principle is fully admitted that the Town populations are chargeable with their local expenditure, including the cost of their Police, and the public revenue will be relieved and habits of self-government will be formed as effect is given to it. A germ everywhere exists for the extension of the municipal system to the country districts, and there is urgent need for its more perfect development there. Every road that is made only establishes the necessity for making others in connection with it, and the charge for repairs alone is becoming an excessive burden on the Central Exchequer.

An abstract will be found in the Appendix of the actual expenditure of Local Funds in 1863-64, together with Estimates for 1864-65 and 1865-66. It will be seen that there is an increase in the receipts from £1,994,296 in 1864-65 to £2,153,649 in 1865-66, and an increase in the expenditure from £2,038,251 to £2,327,017, while there is an estimated decrease in the balance on hand from £1,774,679 to £1,601,311.

Besides the temporary grant of one per cent. from the Income Tax, and the permanent transfers from general to local revenue mentioned in my former Statements, further steps have since been taken in the same direction. The revenue derived from Fisheries in the Madras Presidency, amounting to Rs. 60,000 a year, (excepting, of course, the Pearl and Chank Fisheries,) has been transferred to Local Funds as had previously been done in Bengal. Ten per cent. of the proceeds of escheated lands in Malabar has been similarly appropriated. In the Central Provinces, the Land Revenue assessment is so moderate that the Road and Educational cesses have been raised from one to two per cent. each upon the Land Revenue without imposing any undue burden upon the people. Buildings belonging to the Government in Provincial Towns which are not required for Government purposes, are likely to be turned to better account by local administration for objects in which the inhabitants are interested, than if they were under Government management, as belonging to the imperial revenue. The arrangements which had long existed for giving effect to this principle in the Bengal Presidency under the name of "Nuzool" or Escheats, were extended in September last to the Presidencies of Madras and Bombay.

The English Commissioners have completed their investigations into the accounts of the several Departments of the Government to which their attention was directed, and have laid their Reports before the Government.

Many of their recommendations have received the sanction of Government, and others are still under consideration.

Mr. Foster remains in India for a limited period, in order to superintend the introduction of the changes which are to be carried into effect, and considerable progress has already been made. The whole of the recommendations regarding the accounts of Kidderpore Dockyard have been brought into practical operation, and in the Civil and Military Departments extensive changes are being gradually and safely introduced, which will greatly simplify the accounts, add security against fraud by providing a rapid post-audit in substitution of the former system of double audit, and, by diminishing the amount of labor, lead the way to the reduction and ultimate entire removal of the state of arrear from which the public accounts are now suffering.

These changes, when carried into effect, will necessitate an entire re-organisation of the Offices of Account with a view to obtaining a larger amount of efficiency at a less cost. This end must be attained by an improvement of salaries combined with a large reduction of numbers.

The Government Paper Currency has been in a state of healthy progressive increase throughout

the year without any violent fluctuations. New Currency Circles have been established at Allahabad, Nagpore, and Lahore in the Bengal Presidency, at Kurrachee in the Bombay, and at Vizagapatam, Trichinopoly, and Calicut in the Madras Presidency. The Note circulation has risen from £5,350,000 in April 1864 to £7,348,585, while the investment of the deposits of specie has been increased from £3,000,000 to nearly £4,000,000, the maximum amount permitted by law.

Believing that the time had arrived for the adoption of a Gold Currency in India, and that, although the Sovereign would be somewhat undervalued at ten Rupees with reference to the greater part of India, it would, nevertheless, owing to its superior convenience, obtain an increasing circulation at that rate without any possibility of injury to the creditor, the Government of India recommended to the Secretary of State in July last that the Sovereign and Half-Sovereign should be declared legal tender at the respective rates of ten and five Rupees. Upon this, the Secretary of State determined upon the experimental measure of receiving the Sovereign and Half-Sovereign in all the Treasuries of India at those rates, and of paying them out again at the same rates to such persons as might be willing to take them, and also of receiving them in the Currency Offices to an extent not exceeding one-fourth of the total amount of issues represented by Coin and Bullion, as authorized by law. The result of this experiment has been highly interesting and important. The Sovereign has been received in all the Currency Offices of the Bengal Presidency, and in many of the Treasuries, and it is daily coming into increasing use, both for the ordinary transactions of private life, and for the purpose of remittance. Up to the 9th of March, the total receipts at the Bank of Bengal in British and Australian Sovereigns amounted to £370,000; and although payments had likewise been made to a considerable amount, Sovereigns accumulated to an inconvenient extent in the hands of the Bank, and 200,000 were therefore transferred to the Calcutta Currency Office in exchange for Rupees. Further arrivals of Sovereigns were expected from Australia, and it became apparent that, in order that the balances of the Bank and of the Government might not be composed, to an inconvenient extent, of a coin which could not be relied upon as a circulating medium, owing to its not being a legal tender, it was necessary either to go forward to convert the experimental measure of making the Sovereign receivable in the Treasuries and Currency Offices at ten Rupees into the substantive one of making it a legal tender at that rate, or to take the retrograde step of withdrawing the Notification, or modifying it by making the Sovereign receivable at a lower rate. The Government did not hesitate between these alternatives, and it has been again recommended to the Secretary of State that Sovereigns and Half-Sovereigns, according to the British and Australian Standard, coined at any properly authorized Mint in England, Australia, or India, should be made legal tender throughout the British dominions in India at the rate of one Sovereign for ten Rupees.

I stated that the surplus, which was originally £501,830, would, with the additions consequent upon the increased export duties, £330,000, amount to £831,830.

To this must be added £60,000, the anticipated receipts from the Indo-European Line of Telegraph, making a sum of £891,830.

It has been found necessary to comply with a requisition which has just been received from the Government of Bombay for an addition of £17,520 to the expenditure under the head "Law and Justice."

The surplus therefore stands at £874,310.

These recent changes have been noted at the foot of the Statement of the Revenue and Charges. Their effect with reference to the one item of Receipt, (Income Tax), which will not recur, will be to leave a surplus in 1866-67 of £452,560, even assuming that every other item remains unchanged.

The Motion was put and agreed to.

The Hon'ble SIR CHARLES TREVELYAN having applied to His Excellency the President to suspend the Rules for the Conduct of Business,

The President declared the Rules suspended.

The Hon'ble SIR CHARLES TREVELYAN then introduced the Bill and moved that it be taken into consideration.

The Hon'ble MR. COWIE—"I must be allowed to express the high satisfaction with which I have listened to that portion of the Hon'ble gentleman's statement which announced that the income tax would finally cease on the 31st of July.

I believe the opinion has been pretty generally held that the Government were absolutely pledged to remove this tax, but I never understood that pledge in any other sense than coupled with the proviso that the revenue could spare it, and if the Imperial balance sheet, now placed before us, had proved the necessity of its continuance, I for one would cheerfully have submitted to the reimposition of the tax for another twelve-month. But it is far better that it should be removed at once, for it is no exaggeration to say that, financially, it has been a failure to the Government, and morally an evil to the country.

I do not apprehend that those interested in our export trade will take exception to the moderate export duties by which it is proposed in part to make up for the removal of the income tax, though I am of opinion that they would have preferred seeing the amount obtained by a further small addition to the duty on Salt.

The plan of borrowing in England at moderate interest a portion of the money urgently called for for Military and Irrigation Public Works, is, I think, an improvement on the system which took the whole out of the year's income. The public will only be disposed to regret that it was not adopted earlier, for if it had been, we might have seen, not only the income tax, but also these additional duties dispensed with.

I congratulate the Hon'ble gentleman, and I hope that all who hear me will be disposed to join in the congratulation, that at the close of a year which has undoubtedly been one of financial difficulty, and at the close of his public career in India, he has been able to leave behind him a Budget for the coming year of so hopeful and promising a character as that to which we have just listened."

The Hon'ble Mr. Bullen—"Sir, I add my felicitations to those of my Hon'ble friend opposite, that the state of the finances has been found to be such that it is considered the income tax can safely be dispensed with. Viewed financially, there can be no doubt that the income tax has proved a failure, that is, that it has failed to reach anything like the real income of the country which under its provisions is taxable: for it is absurd to suppose that a gross assessment of little over a million sterling represents, at 3 per cent., the taxable incomes of all India over Rs. 500. The incidence of the tax has indeed notoriously been most unequal, owing to the causes alluded to by the Hon'ble gentleman, and had it been necessary to continue the tax, there must, in justice to those who pay their full 3 per cent., have been fresh assessments. But, Sir, I am heartily glad to find that there is no necessity for the continuance of the tax at all beyond the present income tax year, and that the Government is enabled to carry out the assurances it has on several occasions given, in language more or less precise, that the tax would not be extended beyond the term for which it was originally imposed. Sir, my felicitations would have been more hearty if, in getting rid of the income tax, the Government had not thought it necessary to impose fresh burdens on commerce. Some of the articles on which it is now proposed to levy export duties may be able to bear them without injury to the trade, as, for instance, the article of Jute. The enormous increase which has taken place in the production of this article, proves conclusively that its cultivation must be most remunerative, and therefore, even if the whole duty fell on the producer, the profit on the cultivation would still be so large that the growth would scarcely be discouraged. But in reality, Jute is very much an article by itself; there is no other fibre, applicable to the purposes for which Jute is used, which can be supplied at the same price, and the probability consequently is, that this duty will eventually fall on the consumer, and not on the producer. Rice also is no doubt grown under such advantages of soil and climate on the vast plains of Bengal and Arracan, that it may bear another anna per maund of duty, and still hold its own in the markets of consumption, though, especially on Arracan rice, a duty of three annas per maund is an extremely heavy percentage on its first cost. But there are other articles on which I am sorry to hear that, reversing the legislation of former years, the Government now proposes to levy duties, as, for instance, on Wool and Raw Silk, and Tea, and Coffee. Now, about Wool I do not know much, as it is exported almost exclusively from Bombay, but I believe it is brought down principally from Beloochistan by long tedious land journeys. This is a trade which, for obvious reasons, it appears desirable to encourage, and, exposed as Wool is to such keen competition in the European Markets, with the produce of Australia and the Cape, not to speak of the home growth, I am sorry to see a duty, however small, put upon it. Then as regards Silk: this is an article which is also exposed in Europe to keen competition with the produce of China and Japan, as well as of the European production. The duty in this case must fall on the producer, and when the incidence of the tax is on the producer, export duties are condemned by all sound writers on political economy. Tea and Coffee, again, are young industries in India. They are also of the few industries in India which attract European settlers and European capital into the interior, and I well recollect hearing the late Mr. Wilson remark that, on this ground if on no other, these were industries which were deserving of every encouragement at the hands of the Government.

Then Sir, as regards Sugar, I confess I am quite at a loss to understand the grounds on which Government proposes to levy an export duty on this article. More than twenty-five years ago, the export duty was taken off, because, even then, Sugar from India weighted with any duty could not withstand the competition of other producing countries. Well, Sir, have circumstances since changed in favour of India? The very contrary is the case, as is well known to every commercial man. Year by year, owing to the increasing production of beet-root Sugar, prices rule lower and lower in the European Markets. Year by year, if we except last year, when there was a spasmodic revival of the exports owing to a short-lived speculation in England (which exports, it may parenthetically be remarked, have resulted in heavy losses), the trade has been growing smaller and smaller, and in fact, instead of increasing her exports, India is actually importing Sugar from Mauritius; and after all, what revenue does the Hon'ble gentleman calculate on from these duties? So far as I was able to follow him, not more than £300,000. Is it worth while, for so small a sum, to sacrifice fundamental principles of sound political economy? If, Sir, it were necessary to fortify the financial position at all, the preferable course I conceive would have been to have made some small additions to the Salt duties. An increase of a thirteenth only of the present duty would have given about £400,000, or more than the amount which will be produced by these export duties, and would, I humbly submit, have been less objectionable in principle. And I am the more surprised that the Hon'ble gentleman did not adopt this alternative, considering the opinion regarding an increase of the Salt duties which he has himself expressed. No doubt the duty on Salt is already very high in proportion to its cost, but the individual consumption is so small that practically the duty is not felt, and when it is considered that it is almost the only tax which the masses of the people pay on articles of consumption, whilst the labouring classes in England pay on their sugar, their tea, their tobacco, and their malt, it seems to be a tax peculiarly adapted to the circumstances of the country.

Sir, there is only one article on which, with reference to duties, I will trouble the Council with any remarks,—it is the article of Saltpetre. Sir, about a month ago, the Executive Government of its own motion, and without reference to this Council, reduced the duty, which was fixed by law at two rupees, to one rupee per maund. Sir, I have myself consistently advocated a reduction of this duty, considering the trade to be in great jeopardy, if the duty was maintained, and therefore I have not a word to say against the reduction itself. My complaint is as to the manner of the reduction. The duty on Saltpetre is a specific duty fixed by the Schedule of Act XXIII of 1864, and the Governor General in Council appears to have no more lawful authority to reduce that duty by an order in Council than to increase the rate of duty on piece-goods or other imports. My object in making these remarks is to elicit some information from the Government as to the remaining rupee of duty which for the present is to be kept on. What I wish to know is, whether we are to understand that this is

settlement of the question until next April. It is important that this question should, if possible, receive an answer; otherwise the trade, both here and in England, will be kept in a state of suspense. I would much rather that the duty had been taken off altogether; but if it is to be kept on, it is better, even in the interests of the producer in this country, that it should be known that no reduction is to be made until next April; otherwise the market in England will continue depressed by the expectation that at any moment the duty may be taken off, and the merchant here, to guard himself against that contingency, must buy at a larger price than, but for the uncertainty, he would be disposed to pay. I therefore ask for a declaration from the Government, of its intentions regarding this duty.

As regards the course which the Government have followed in proposing to the Secretary of State to borrow in England a portion of the amount which has this year to be provided for public works, I think that course a very proper one, for I have never thought it reasonable that the whole burden of expensive public works, of which future generations, more than the present generation, will reap the benefit, should be borne by revenue.

In conclusion, Sir, I desire to add my congratulations to those of my Hon'ble friend opposite, that the Hon'ble gentleman, on laying down his office, leaves the finances of the country in such a substantially prosperous condition."

His Honour the Lieutenant Governor said that there was no doubt that every one throughout the length and breadth of India would congratulate the Government that the state of the public finances, and the flourishing condition of the revenues, were such as to enable it to dispense with the income tax. His only regret was that the abolition of that tax would deprive Bengal, in common with other Provinces, of a certain proportion allotted for Public Works, and entail the necessity of finding means to meet the consequent deficiency. As to Bengal this would receive early attention from the local legislature. He felt, however, obliged to say that, while he congratulated Sir Charles Trevelyan on his budget, he agreed with the Hon'ble Messrs. Bullen and Cowie in their objections to the imposition of new export duties, and in thinking that, if further taxation were considered necessary at all, a small additional duty might be imposed on Salt throughout India, instead of the proposed increase in this respect being confined to Bombay. He was of course not aware of the considerations which had led the Government to give the preference to increased export duties, or to conclude that the imposition of such duties was necessary to make up the requisite surplus. It appeared to him, however, that no such necessity really existed. The average price which Sir Charles Trevelyan took as likely to be realized from the Opium sales of 1865-66 was Rs. 850 per chest. That was the price ruling at the two last sales. It was a minimum price, and its lowness was solely owing to the very large amount of the drug (62,000 chests) which had been produced in 1863-64. Now, it was well known that the rain which fell in February and March had seriously damaged the present crop of Opium. The extent of cultivation had also been considerably contracted. It was assumed that the outturn would be 50,000 chests. In his opinion, is was likely—nay, it was almost certain—to be less. But, even if the outturn were as large as 50,000 chests, and if the whole of this provision were brought to sale in 1866, it was quite contrary to past experience to assume that the average selling price during the financial year would not exceed Rs. 850. It was much more likely to be Rs. 1,000, but, even supposing that it would be no more than Rs. 900, which was the lowest reasonable estimate he could form, the difference of Rs. 50 would give more than all that was expected to be raised by the new export duties.

He would therefore suggest to Sir Charles Trevelyan whether, in consideration of the more probable productiveness of the Opium Revenue, the proposal to levy additional export duties might not safely be given up.

The Hon'ble Sir Charles Trevelyan.—"There is one omission in my statement which I take the opportunity of supplying. I mentioned that something of the nature of a settlement of the Opium Revenue had been made. We are mainly indebted for this to His Honour the Lieutenant Governor, who, some weeks ago, applied his mind closely and earnestly to the subject, and recorded a minute which is one of the ablest papers of the kind I have ever read. The result is that the Opium Revenue has been placed on as secure and permanent a footing as it can be.

The appeal which the Lieutenant Governor has made to me in reference to the proposed export duties, has placed me in a very painful dilemma. It is extremely probable that, even without these export duties, there would be a surplus. The growth of the revenue is likely to increase, and I think there will be a stricter control over the expenditure. We shall also be better for the non-recurrence of two large home-items—the cost of the transports and of the new India Office; and there is more of the same sort that I might mention. But the most remarkable feature of Indian finance is its variableness. The results have to be collected from so many Governments and Administrations, in reference to such a variety of departments and subjects, that Indian finance is a series of surprises and disappointments; and the evil is much aggravated by the imperfect nature of the accounts. At home the Chancellor of the Exchequer sees from week to week the progress of the income and expenditure. Here, till I have the annual estimates before me, I cannot say how I stand within a million or a million and a half. When I took charge of this office, I found I was under a pledge inherited from my predecessor to publish quarterly accounts. But the Officers of the Department warned me to take care what I was about; and on further experience, I found that the accounts are so overloaded with what they call "adjustment items" that the "monthlies" are always stultified by the "quarterlies," while the "quarterlies" are extinguished by the "annuals;" and even the annual statements, which are the basis of the accounts laid before Parliament, are corrected by the "general books," which are the final accounts, and are in most parts of India four or five years in arrear. The root of the evil is the extraordinary variety of irrelevant matter with which the public accounts are overloaded, connected with private remittances and other practices inherited from the paternal rule of the East India Company. If we had the same means as in England of ascertaining our position, we could work with a much narrower margin. Owing to this state of things, I think that the estimated half a million must be fortified by the additional export duties.

I acknowledge with gratitude the favourable, general view which has been expressed by the President of the Chamber of Commerce. Coming from a gentleman in his position, this is of public importance as well as of private interest to me. He admits that, as regards jute and rice and hides, I am in the right, and that they will bear a moderate export duty. But he entertains doubts as to the expediency of taxing wool, tea, and coffee. The condition of a large continual annual increase is applicable to all these articles. Beginning from 1860-61, the annual increase of the exports of jute has been £409,000, 571,000, 811,000, 1,598,000; of wool, £473,000, 862,000, 1,477,000, 1,511,000; of tea £101,000, 131,000, 180,000, 222,000; and of coffee, £249,000, 403,000, 426,000, 519,000. In the dearth of cotton, the European demand for jute cannot easily be supplied. Owing to the improving circumstances of the European populations, there is an unlimited demand for tea and for coffee, which holds the same place on the Continent as tea does in England. There is a great gulf opened in Europe for the absorption of any amount of Indian produce, and the demand is constantly increasing. My belief is that the three per cent. duty will make no perceptible difference. I was at Madras when the three per cent. duty on coffee was removed. The planters expressed their surprise at the unexpected boon, and said that they would gladly continue to pay the duty if they could have roads made to the coast, for the conveyance of their coffee to Calicut cost them more than the whole freight to England. An export duty on coffee of one shilling per cwt., or from 2 to 2½ per cent., is levied in Ceylon, which is applied to the construction of roads. [The Hon'ble the Lieutenant Governor of Bengal, "hear, hear."] Mr. Bullen gives as a reason for not imposing a duty upon tea and coffee that they are the result of European industry. I cannot too strongly express my sense of the importance of the settlement of Europeans in this country. It gives increased strength and stability to the Government; promotes civilisation; introduces a higher morality; and in course of time will lead to a purer religion. But there is one way in which European colonization ought not to be encouraged, which is by acting partially and unjustly in favour of the colonists. This would not be good even for the Europeans themselves.

The proportion of the new duties which will be paid by Europeans is very small. Jute, which is entirely a Native industry, was exported in 1863-64 to the amount of lbs. 1,600,000, and this year it is much larger. My total estimate of £330,000 from the new export duties is very low. Wool was exported to the value of £1,512,000, and rice to the value of £3,937,009, while tea and coffee together are only £741,000. With what justice could we impose three per cent. upon jute and an additional anna on rice while we exempt tea and coffee? As jute and rice have increased n value, so have tea and coffee. With some discrepancies (for all plantations cannot be equally profitable) the success of tea and coffee planting has been very remarkable. With what face, in the presence of God and man, could we exempt tea and coffee from what we are imposing on much larger and less profitable Native industries? The Hon'ble Mr. Bullen says that the tea and coffee planting ought to be nursed. But it has got quite beyond that stage. I am the only surviving member in India of the Tea Committee appointed by a Governor General whom few here can remember. It is interesting and encouraging to see what a wide and strong grasp tea-cultivation has got of the great eastern frontier of Bengal. The Committee, at our first meeting, prepared a circular which was sent to all parts of India—not asking whether tea did or could grow—but whether any plants could be found of cognate genus or species which would afford promise of success in growing tea. I shall never forget our astonishment when we heard, in reply from the Commissioner in Assam, General Jenkins, who is still alive, and from Mr. Bruce, who is also alive, that not only did cognate plants grow, but that the tea-tree itself existed, that there were whole forests of it, and almost timber-trees. Dr. Wallich and the scientific members of the Committee were beside themselves: and a deputation of them was sent to Assam to verify the astounding fact, and Mr. Gordon was sent to China to procure skilled labourers. The consequence of this was the Government Gardens, which formed the nucleus of the Assam Company's flourishing establishment. *That* was the infant stage; and now the industry is in so flourishing a state that large profits are made by the sale of the seeds alone. As to coffee plantations, I have seen those in the South of India; and a more hopeful illustration of British commercial enterprise is nowhere to be found. The planters would, I am persuaded, repudiate being nursed, and still more, being placed in a position of unjust, unequal privilege with reference to their Native fellow-subjects.

In saying that sugar has been free from export duty for a long series of years, the President of the Chamber of Commerce no doubt alludes to the Free Labour Sugar Committee of 1840. Indian sugar *exported to the United Kingdom and the British possessions in British bottoms* was then exempted from duty. But the exportation to all foreign countries was only declared free in 1859.

Then, although hides, sugar, and silk have not increased like tea and coffee, they have, nevertheless, made considerable progress. In 1859-60 sugar was exported to the value of £961,424, in 1860-61 to the value of £997,904, in 1861-62 to the value of £1,233,676. In 1862-63 there was a temporary drop to £987,521, which was more than recovered in 1863-64, when it rose to £1,442,219. The great exportation, however, is to Bombay, which is becoming like England. The local agricultural resources no longer suffice, and the imports of sugar and rice from Bengal and Burmah are very large. Those are all free under Lord Auckland's admirable measure for the enfranchisement of the coasting or interportal trade, which has been lately extended to all the Native States in the Madras and Bombay Presidencies. Bombay will indirectly profit by this slight duty upon the foreign trade, which will act as a bounty upon the free trade to Bombay. I do not see why increased importations of food for man and horse at Bombay should be cited as a sign of distress. It is merely a consequence of the country increasing in wealth.

Silk has gone up in the same way from £799,251 in 1859-60 to £1,080,471 in 1863-64.

Wool is entirely a Bombay export: It comes from the Punjab, Scinde, and Afghanistan. In

the present dearth of cotton, Leeds and Bradford will take at high prices any quantity that can be sent. This three per cent. duty will do the native merchants no harm, for such is the progressive increase of price from the growing demand, that they are never likely to perceive the influence of the duty. I have always been interested in the Afghans, and been anxious for their civilisation; but this ought not to be promoted at the expense of our own subjects. The Afghan traders benefit by our roads, police, judicial establishments, &c., and why should they not pay their share?

The Hon'ble Mr. Bullen remarks that the sum which can be obtained from tea and coffee will be small; but finance is an aggregate of smaller particles: crores are made of lakhs, lakhs of thousands, thousands of tens, and tens of units. It has been painful to me to observe, that people in some parts of India talk almost entirely in lakhs, though sometimes they condescend to a lakh and a half. If you venture to suggest an economical reform, you are constantly met by the reply, 'what signifies a lakh more or less?'—It is precisely the same in respect to revenue, which is made up of a multitude of small receipts. It is only when all pay their share, small or great, that we shall have a prosperous revenue.

Mr. Bullen said that the Government had unsettled the Saltpetre trade by reducing the duty before the Budget. If the matter had not been so pressing, the alteration would have been deferred until the Budget was introduced. One of the incidental advantages of the Budget system is, that it settles the mercantile world for a year. For all that time merchants carry on their affairs with perfect confidence that they will not be broken in upon by any sudden change, and then they are all on the *qui vive* to know what the Budget will bring forth. An exception was made in this instance because the high duty was starving our famous old Saltpetre staple, and as it was known that the Secretary of State, had called the attention of the Government of India to the subject, the exportations were suspended. Under these circumstances, the Government determined to depart from their usual practice. But I hope they will never do so again except under equally urgent circumstances."

The Hon'ble the MAHARAJA OF VIZIANAGRAM said that, having learnt from the Budget that throughout the Madras Presidency the duty on Salt was one rupee and fourteen annas per maund, while it was three rupees and four annas throughout the Presidency of Bengal, he saw no reason why the duties should not be equalized by the Madras duty being raised to the level of that of Bengal.

His Honour the Lieutenant Governor said that nothing could be further from his intention than to embarrass Sir Charles Trevelyan or the Government, or to object to increased taxation if it were necessary. He quite agreed that it was desirable to have a small addition to the surplus anticipated from existing sources of revenue, and he certainly would not have suggested that the additional export duties should not be imposed, if he had not been prepared to show that they really were not required, and that the sum which they were intended to produce would flow from another source. He would not discuss the grounds upon which these export duties were defended, and was quite willing to admit for the sake of argument, that they were in themselves unobjectionable. The simple issue he wished to submit to the Council was whether the average price of Opium at the sales of 1865-66 would not in all probability be so high that the amount required to make up the estimated surplus, or even more, would be realized without having recourse to new taxes. If this question were, as he thought it must be, answered in the affirmative, it would obviously be unnecessary, and therefore impolitic, to impose additional export duties. He had lately had occasion to give much attention to the subject of the Opium Revenue, and he could state that the price varied inversely, with almost mathematical certainty, as the produce of the season immediately preceding. If that produce were more than usual, the price was less than usual, and *vice versâ*. While a crop of 50,000 chests brought only Rs. 1,000 per chest, a crop of 45,000 chests would bring in about Rs. 1,200. He felt confident that, considering what the crop of the present season was likely to be, the price at the sales of 1865-66 would certainly be at least Rs. 900, and if so, a larger additional sum would be raised, without weighing upon the mercantile classes or interfering with growing industries, than would accure from the taxes proposed by Sir Charles Trevelyan. He would propose as an amendment "that so much of the Bill as provided for the imposition of export duties should be omitted."

His Excellency THE PRESIDENT said that, before the amendment of the Hon'ble the Lieutenant Governor was put to the Council, he should like to say that, it having been considered expedient, for various reasons, to give up the Income Tax, he thought the Government had exercised a wise discretion in proposing to supplement its ways and means by a moderate amount of export duty. He quite entered into the feelings of the Hon'ble Mr. Bullen in deprecating this taxation, and every other taxation, as a great evil. At the same time it struck him (His Excellency) that, after taking into consideration all we hoped to gain in the way of income, and all we hoped to save in the way of expenditure, there would still be required such a margin as the Financial Member had stated.

His Excellency felt the whole force of Mr. Bullen's objection as to taxing such articles as Raw Hides, Sugar, &c. But he thought that Jute, Tea, Coffee, and even Wool, could well bear this duty. Perhaps Wool could least bear a duty, but he believed that during the last ten or twelve years, Wool had risen in Upper India to double—he might say more than double—its old price, and moreover, nearly the whole of that increase had gone to the producer. Such being the case, he thought there was no fear that Wool could not fairly bear the extra tax.

As regarded the other articles, he concurred with much that Mr. Bullen had said. But at the same time he (the President) did not think that we could hit on any articles more eligible for taxation than those selected by Sir Charles Trevelyan. The Lieutenant Governor of Bengal assumed that we should get at least Rupees fifty per chest of Opium more than was estimated. He (the President) should be very glad if this were so, but even should it be that we had more, we had ample

means of spending it. The demands on Government were daily—almost hourly—increasing; and it was with very great difficulty that we were able to meet our steadily increasing expenditure. Every class of the community was in favour of expenditure; and he might also say that almost every class was opposed to taxation. If by chance, we should have a very considerable margin in the shape of Opium, a large portion of that would be absorbed in inevitable extra expenditure. If not, he thought that they could not do better than allow the extra duty to be treated as a set-off against the additional expenditure on account of Barrack accommodation, &c.

The Hon'ble Mr. Cowie had said that it was unfair to tax the present generation, and that it was wise and right to impose considerable burthens on posterity; but, with all deference to that gentleman, he (the President) begged to differ. His opinion was that the only true economy was to live within one's income. When a Government, like a man, once became a prodigal, not only did its sense of economy become relaxed, but habits of extravagance became its second nature, accompanied, as was always the case, by feelings of anxiety and constraint. Now, if there was any country in the world in which the Government should be light and free, and be like a strong man, unshackled and ready for the race set before it, it was here in India. Here we were a few governing many: we did not know what a day or an hour might bring forth. Without any fault of ours, we were unable to foresee what might next happen. Surely in such a case it was of the utmost importance that we should not incur debt, so that when the time came we should have greater ease in borrowing money, and less discomfort in bearing the amount of an additional debt. But, even admitting that there was force in the argument that we should make future generations bear the burthen of some portion of the expenditure necessary on Military works, ought we not to remember to what extent we had already involved our successors by what had happened during the last seven or eight years? The Indian debt was little more than sixty millions when the mutiny broke out; now it was little short of ninety millions. Here we had added upwards of thirty millions to our burden. Surely that was enough for future generations. Then it must be borne in mind that, in incurring this expenditure for Military works, you could not recoup yourself; nay, it involved a constant future expenditure of at least eight per cent. on the Capital sunk to provide for wear and tear. Having very little money to spend in that way, we must arrange for an annual expenditure of £100,000 for the maintenance and repair of the works in question. This alone would add largely to the annual burdens. When the Government of India decided that the Secretary of State should be asked to borrow a large sum for these works, it was then understood that our deficit would be very much larger than it has now proved. It was admitted that it was absolutely essential to have those Military works, while it was equally certain we had not the means to pay for them. We then made up our mind to incur a debt. But in doing so we made a proviso that we would only borrow a certain portion of the sum required, and meet the balance out of Revenue. Now, as he had said before, he did not think that we could do better than give any surplus which might arise from Opium to diminish the sum borrowed for the Military works.

There was one alternative which the Lieutenant Governor of Bengal had suggested in place of the export duties, but which he (the President) must say was abhorrent to his feelings—namely, to increase the duty on Salt. While he (the President) admitted that a moderate Salt tax was desirable, when it became heavy it was always found to press with undue weight on the poorer classes. He then admitted there had been a great improvement in the people of India, and that the agriculturists were now in comparatively affluent circumstances. But two things must not be forgotten. First, that they were not so exceedingly well off as that, relatively to the other classes, they were able to bear any further additional taxation. The class that corresponded with the English yeomanry in former days lived no better than coolies, from hand to mouth, and on an amount of subsistence barely enough to support life. Then, throughout India there was an enormous class below the peasant proprietors, who had only partially benefitted by the improved wages of labour which had been more than set-off by the high prices of articles. He thought, himself, that a thorough enquiry would show that, while wages had generally increased, the *large* increase was confined to places near towns, along Railways, or where these and other great public works were going on, and within fifty or a hundred miles of those works. Only the other day a gentleman who lived in Behar, one of the most intelligent and able of the non-officials in India, had told him (the President) that the wages of labour there could not be more than two Rupees eight annas, or five shillings a month. In the North-West Provinces he (the President) had made enquiries in April last, and he found that at a distance from the Trunk Road the wages had not risen much higher. So at Mussoorie and Simla. And he believed that wherever wages had risen considerably for a time, when the works had been completed in that particular locality, there had been a tendency for wages to come down again to something like the old rates. The result of his enquiries had been a conviction that it would be a great evil to raise the Salt tax. It was not many years ago that the Salt tax was two Rupees four annas in Bengal; it is now three Rupees eight annas. Formerly, it was as low as eight annas in Madras and Bombay; now it has been raised to one Rupee eight annas. His Hon'ble friend Mr. Anderson would bear him out as to the impolicy of raising the duty in the Bombay Presidency.

The Hon'ble Mr. Anderson said there had been a riot in Bombay in consequence of the attempt to raise the Salt tax.

His Excellency the President continued.—Take the North-West Provinces; not many years ago the duty on the excise on salt from Rajputana was two Rupees a maund, it was now three Rupees a maund. In those days the extent of smuggling in that line was enormous, and affrays between the smugglers and the Revenue Officers were of constant occurrence. He spoke of these things from his own knowledge, having been a Magistrate there at that time; and it was with great difficulty that smuggling could be put down. And we all knew that the higher you raised the duty, the greater the inducement to smuggle.

In the Punjab, where the Salt duty was one Rupee eight annas a maund at the date of the

annexation, we made it two Rupees; now we had raised it to three Rupees. The Salt tax in that Province produced a singular anomaly, which came home to every inhabitant. There the Salt was in mountain ranges, (it was, he might remark in passing, the finest rock Salt in the world) fifty, sixty or seventy miles long. These were bisected by the Indus. On the Cis-Indus side the people paid a tax of three Rupees on their Salt: on the Trans-Indus side one of only two or three annas. We did not raise the latter tax simply because it was not worth while to do so. If we had raised it, we should have had a convulsion among those wild mountain tribes under our rule, the cost of putting down which would have swallowed up the proceeds of the increased tax for years. Those tribes, too, would have contrasted their condition of having Salt so dear that they could not afford to give it to their cattle, with that of the neighbouring free tribes who got their Salt almost free of duty.

If you raised the tax in Bengal, you rendered it oppressive, and on the whole, he (the President) would rather see the Salt tax reduced than increased.

The Hon'ble Mr. Cowie said that "with reference to one remark which fell from His Excellency, he would record his humble opinion, that a nation with an income of forty-eight millions and a debt of ninety millions was very lightly indebted. He congratulated the Government that it was so."

The Hon'ble Mr. Bullen said that he should support the amendment of the Hon'ble the Lieutenant Governor. He had been willing to agree to a duty on Jute and Grain, on the supposition that some additional revenue must be raised; but from the explanation which the Lieutenant Governor had given regarding Opium, it seemed certain that the revenue of the current year would be ample, without any addition to the export duties, and he should therefore oppose them all. With regard to what had fallen from the Hon'ble Sir Charles Trevelyan in answer to his (Mr. Bullen's) remarks about the Tea and Coffee duties, it would appear that the Hon'ble gentleman had misunderstood him. He had not argued that these articles ought to be free of duty, because they were produced by Europeans. Indeed it was well known that the cultivation of these articles was not confined to Europeans. Not long ago he had read a report of the progress of tea cultivation in the Kangra District, wherein it was stated that the cultivation by the Natives was rapidly increasing, and as the Hon'ble gentleman himself well knew Coffee was also largely cultivated by Natives in Mysore and Coorg. He mentioned as only a collateral advantage which these industries had, that they attracted into the interior English settlers and English capital. His fundamental objection to duties on these articles and on Silk and Wool was, that they would fall on the producer, and as such, they were opposed to sound political economy. To the argument that Wool ought to pay an export duty, because the producers of it, in conveying it to our ports, had the advantages of our roads and of the security afforded by our police, he would reply that the true policy was to encourage our exports, and to look to the duties on imports for contributions to these objects. The more profitable the export trade, the more money would be expended on imports and the greater the revenue which would be derived from them.

The amendment being put to the Council was negatived.

The original motion was then put and agreed to.

The Hon'ble Sir Charles Trevelyan then moved that the Bill be passed.

The motion was put and agreed to.

The Council then adjourned.

WHITLEY STOKES,

Offg. Asst. Secy. to the Govt. of India,
Home Department, (Legislative.)

Calcutta,
The 5th April 1865.

PUBLIC WORKS DEPARTMENT.

Progress Reports of the Punjab Railway for the half-year ending 31st December 1864.

From Lieut. Colonel G. Sim, R. E., Under Secy. to Govt. of Punjab, in the P. W. Dept., Railway Branch, to Secy. to Govt. of India, P. W. Dept.,—(dated 28th February 1865.)

1 am directed to forward to you, for the information of the Government of India, the Reports of Progress on the Punjab Railway for the half-year ending 31st December 1864, of the Railway Department, noted in the margin, copies of which, as usual, have already been transmitted to the Board of the Company in London by the Acting Agent.

Chief Engineer's.
Traffic Manager's.
Agent's.

2. These Reports have been laid before this Government by its Consulting Engineer, whose remarks, and the result of his own half-yearly inspection of the line and works lately concluded, will be found in that Officer's Note accompanying the enclosures of this letter.

3. That Officer has entered so fully into the particulars and specific details of the good progress that has been made, the credit due in his opinion to those employed, more especially in laying 68 miles of this line in a little less time than the six months reported upon, and the actual present state of the line, with respect to the proposed opening of the Lahore and Mooltan Section of 208 miles in length for public traffic at an early date, that no further remarks on these points seem to be called for.

4. The Hon'ble the Lieutenant Governor, however, feels very great satisfaction, which he trusts the Supreme Government will share, in now being able to announce the good progress thus effected by the Company's Officers towards that final completion of this important undertaking which has been so long desired and looked for in the Punjab.

5. And here His Honor would offer to observe that, although in the first two or three years of the construction of a Railway in India there may appear to the general on-lookers but little real work completed or progress effected, it is not to be supposed therefore that, in the later years of construction, a similar rate of progression towards the desired consummation may alone be expected. On the contrary, the unusually rapid

and excellent progress in all branches of this undertaking, and on the Mooltan line more particularly, which this Government has had it in its power to report during the past year, would point to the fact that any slowness of work or slackness of control in the earlier years after commencement (although after all such is but seemingly real; because, as soon as we reflect on the distance of the sources of supply of all the important materials required in the construction of a Railway in India, as well as on the disappointments, losses, or delays, inseparable from the various modes of the only available transport that can be used, we should be the rather disposed to agree that a far longer period of time for maturing all needful arrangements in India is called for than elsewhere, and unavoidably should be allowed for, however irksome this may be to our patience) will in the end certainly be condoned by an unexpectedly rapid progress in the subsequent years, directly the *full quantity of those materials* have been received out in India and delivered on the ground.

6. For, as regards slackness of work, the Supreme Government will recollect that there was a feeling prevalent in the Punjab about two years ago, so far as this very section of the Railway was concerned, that its progress up to that time had not come up to expectation, there being apparently good grounds for that impression on the part of this Government.

7. It is consequently the more satisfactory to His Honor to be able now to award the meed of praise to those to whom it is due, when forwarding the present reports; and to feel assured from the Consulting Engineer's report about the line that, in all probability in a few weeks' time, travelling by Railway between Lahore and Mooltan will have become the universal mode of transit for all classes, and also for a large number, if not most, of the travellers wishing to proceed from the Punjab to England.

8. The question of completing the fencing of the line before opening is now under the consideration of this Government.

9. Lastly, the Lieutenant Governor feels deeply, as already reported to the Supreme Government on the announcement of the late Agent's decease at Kurrachee, the great loss sustained by the Company in Mr. Stevens' death; and he willingly joins with the Consulting Engineer in his expressions of sorrow for the sudden withdrawal from the Agency of one with whom that Officer had maintained most friendly relations in all official duties, and who proved himself to be a most able coadjutor in the conduct and control of an undertaking which involves the interests of the Government as well as of the Company.

NOTE by Lieut. Colonel G. SIM, R. E., Consulting Engineer to Government of Punjab, to accompany the Reports of Progress on the Punjab Railway for the half-year ending 31st December 1864,—dated Lahore, the 22nd February 1865.

The Reports now submitted for the information of the Government are those of the Chief Engineer and Traffic Manager, together with a copy of a Despatch No. 3, dated 20th ultimo, from the Acting Agent, transmitting them to the Board of the Company in London, and at the same time conveying that Officer's Report for the half-year in question. And here I would observe that, having but a few days since concluded my own customary half-yearly inspection of the line and works from Lahore to Mooltan, in company with the three departmental Officers above named, I am in a better position to place before Government the actual present state of the works on that extensive Section of the Railway which yet remains to be opened for public traffic, as well as offer a few remarks on the progress referred to in their respective Reports.

Lahore Station.—The details of work done during the half-year, and remaining to be done, at the main Passenger Station Building are stated by the Chief Engineer. There is now actually but little wanted to complete the same according to sanctioned estimates except the erection of the iron roofing over the 'arrival' and 'departure' platforms, and the two sets of rail tracks belonging to each. The trusses are intended to rest in the series of masonry arches that spring from the capitals of the masonry columns standing at intervals down the centre space between the two sets of rails, and both arches and columns are all built. It is hoped that this and other iron roofs, sent for from England so long ago as the autumn of 1863, will shortly be received out. But the building will be used for traffic purposes, on the opening of the line to Mooltan irrespective of this roof.

The occupation of the rooms on the 'arrival' side intended for the Offices of the Agent, Chief Engineer, Accountant, &c., was carried out just before the close of the preceding half-year; and they have since that period been fully equipped with all needful fittings and furniture, and these being made up in the Railway workshops of the best material and workmanship are somewhat more expensive than what are usual in Indian Offices. For the Booking Offices and Passenger accommodation rooms, &c., on the 'departure' side, fittings and furniture have been lately sanctioned by Government, and are under preparation so as to be ready before the opening of the line to the public; on this side also there will be rooms and Offices for the Station Master, Telegraph Clerks, Traffic Agency, &c. The attention of the Railway Authorities has further been called to the need of a strict system of conservancy arrangements for this large Passenger Station; a no very easy task when it is remembered that it is constructed for defensive purposes, and except in the middle of the two long curtain (or corridor) walls, where the 'entrance' and 'exit' portico doorways are provided, and at each end of this fortified parallelogram where the arched openings over the rails (to be closed by massive sliding doors should it be ever necessary) allow of the passage of trains in and out, there are no other doorways in the walls or openings of any kind to allow of passage to the outside.

General Workshops.—The remarks of the Chief Engineer are correct. This block of buildings was the first erected, a portion of it to be temporarily used as the Running Engine-shed for the Engineers to work the Umritsur Section traffic, while others were being erected in it for use on the Mooltan line when opened. Hence all the work of the Locomotive Department has hitherto been carried on in these shops, and the petty and more valuable stores of the Store Department have been also temporarily accommodated in another portion of the block.

No Running Engine-shed or separate Store-shed have as yet been erected, and the general stores and materials, iron work of all kinds for Carriages, Engines, &c., have had to be kept in an open enclosure to their evident deterioration, and as yet also there is no running or spare Carriage-shed, which during the hot and rainy months is much required.

The Chief Engineer's proposal is to convert the present block of workshops into a Running Engine-shed suitable for the whole line, and apply for sanction to the construction of a set of workshops complete, and a store-shed on the opposite side of the yard, and adjacent to the present commodious Carriage building shed, smithy, and saw-mill shops. This will not only make the yard more complete for working the line, but is now found to be absolutely required; but its first temporary wants have been well supplied by this block of shops.

Station Yard.—The Chief Engineer is now completing the approach roads for the Passenger Station and the fencing of the yard; also the erection of Native workmen's dwelling-houses and latrines for the use of both the European and Native work-people, in accordance with the suggestions of the Sanitary Report of the Medical Officer, and near the European Barrack the ground is being levelled, while to the south a vegetable garden for their use is to be laid out.

Railway Institute.—The Institute, with its library, swimming bath, gymnasium, &c., is greatly approved of by the men, who, I believe, one and all subscribe to its maintenance; its management appears to be well cared for, and credit is due to the Resident Engineer for the way in which he has laid out a small garden and grass plots about it. His Excellency the Viceroy visited this building, and, as it is believed, highly approved of it and its objects.

European Workmen's Dwelling-houses.—The number of this class will be much increased when the line is opened throughout, and it will be necessary to construct some additional dwelling-houses, especially as the two old Mission-houses, to the south of the Passenger Station, purchased, as being on the Railway land, in 1860, and since temporarily occupied by several of the men, will shortly be removed, as it was always intended when works were completed for a general opening of the line. The best kinds of houses or cottages for both married and unmarried workmen will be carefully considered, as there is at present some discontent amongst this class of workmen on account of the rents they are called on to pay when occupying the Company's houses at Lahore and Mooltan. The subject is an important one, and a valuable report from the Medical Officers of the Company at Head Quarters has been lately received by me, touching on the question of suitable houses, fair rates of rents, and the need of giving the men better accommodation than hitherto provided for, on the grounds of morality, contentment, and healthiness; but now that additional houses will be called for, the Government will doubtless favorably consider the matters discussed by Dr. Smith.

Locomotive and Carriage Stock.—There were 461 vehicles of sorts, exclusive of engines, complete and in use at the end of the year, and six more then under construction, total 467. Since then a number of engines and tenders have been received at Mooltan from Kotree. There is ample stock to work the traffic on opening, as the trains at first will be mixed trains, and but one each way daily, the engines changing at the half way Station at the 104th mile, which, like the new Civil Station arising near it, is to be called 'Montgomery' instead of 'Saheowall,' or 'new Googaira' as hitherto. When through communication by rail was opened at the end of December, the Rolling-stock at Mooltan which from heat and exposure during the past two years and more was found to require considerable repairs and renewals, was brought up to Lahore, and fresh Lahore stock sent in its place. But at Mooltan there is no cover whatever as yet for the carriages and other stock, and the dust and the sand of the districts through which the line passes for many miles, laid with the sleeper pots set in sand, cause great wear and tear and deterioration.

Lahore and Umritsur Section.—The permanent way and works have been maintained, as stated by the Chief Engineer, in excellent order, and at a moderate rate for maintenance of about Rs. 200 per mile, but as yet scarcely any sleeper renewals have been required.

New Station to be opened at 24th mile for native passengers on 1st March.

A roadside Station for native passengers has been sanctioned by Government at "Khasa," at the 24th mile from Lahore, and half way between Attaree, at the 16th mile, and Umritsur. It seems called for and likely to answer well according to the report of the Civil Authorities, but at present the Station will comprise only a ticket platform, signal, and a small booking Office of wood for a Booking Clerk, and will be opened from the 1st March. There are several large villages near, and some goods traffic in produce also is expected to spring up.

Passenger Station, &c., at Umritsur.

The state of this building is as detailed by the Chief Engineer, and it will present a new feature in the structures on this Railway, viz., slate roofs. It is an excellent building for the required purposes as well as a handsome structure, and well built by the Contractor, Mr. Coates. It will ere long be in use for the traffic between Lahore and Umritsur, which will be worked, as at present, with two trains each way daily, and to some extent independently of that from Lahore to Mooltan, or at least until trains can be run at night on the latter section. A bungalow for Guards, Drivers, &c., at this Station has yet to be constructed.

Lahore and Mooltan line.

The extra accommodation adverted to by the Chief Engineer was deemed absolutely required by both the late Lieutenant Governor and the Medical Officer, chiefly at the single and not the double roomed Station bungalows, to be henceforward used as Traffic Stations. It should be recollected that these buildings have served their first designed purposes, viz., as residences for the Engineers and others employed in the construction of the line and works, but as they are now to afford accommodation for the Station Masters and Telegraph Clerks, as well as Booking Offices, and leave at least one room free for the use of passengers, ladies, or invalids, if unable to go through the whole length, the single roomed bungalows under the orders of Government have been sanc-

tioned to be enlarged for the several purposes named, and should be completed during the next three or four months. The intermediate Stations, with this exception, are generally quite ready for the traffic on opening, in regard to their watering arrangements, platforms, engine-pits, signals, &c., but the provision of latrines for the 3rd class passengers is still a requirement to carry out.

Engine changing or half way Station at the 104th mile close to the new Civil Station of 'Montgomery.'

Here there has been rapid progress made during the past year, and a large and commodious passenger Station, as described by the Chief Engineer, has been now completed, with the trifling exception of the Booking Office arrangements and its fittings and furniture. The masonry is excellent, and the bricks made here by the Company, by machine and otherwise, are perfect. The running engine shed to receive 16 engines is now almost finished; a 40 feet turn-table now in use, and a Guards' and workmens' bungalow for four men already constructed up to springing of arched roofs. All the buildings here are constructed with vaulted roofs of masonry, and those who have resided in the passenger Station state that they did not find the rooms hotter than those of their ordinary bungalows with flat roofs covered with mud. The engine watering tank is constructed over one end of the running engine shed, and the water will be pumped up into it by a force pump (from Roorkee) to be worked by bullock-power; a fuel shed is to be built, and the fuel platform is being constructed.

Mooltan Station.

The goods shed, when I inspected it last week, was being tiled, and the Engineer expected to finish the building entirely with turn-tables, line of rails, outer goods platform, &c., in a month's time. The running engine shed for twelve engines and its adjacent Locomotive Office and small workshops, are all complete and in good order. A fuel platform is built, but no shed as yet; watering arrangements, tank, water-crane, engine-pits, &c., all ready.

Passenger Station.

The temporary Station built for the traffic on the Shere Shah section will be used for the line when opened throughout, as probably it will suffice until the question of building a large passenger Station or not at this Station is set at rest; and this probably will not be until the views of the Government regarding any removal of the Military Cantonment from its present situation, where it is stated to be liable to inundations, to higher ground a few miles up the Railway line towards Lahore, have been expressed in some more positive manner than is yet known in the Railway Department.

Temporary buildings.

Temporary workshops and a store-shed have been constructed here, which answer their purpose quite well enough for the present, and it is now proposed to turn a portion of the building, purchased by the Company, just outside its boundaries and occupied as a workmen's barrack until the permanent blocks could be built, into a reading room and library, as a branch of the main institute at Lahore, with a cricket or bowling ground laid down in a field near it, thus affording means of recreation to the workmen who will be collected here by and by in some number.

Shere Shah Station and landing places.

Here there will ever be some difficulties to encounter, for the river changes its channels so often, and yearly cuts away its low banks, as to put out of the question the construction of any permanent wharf, walls, or jetties, or the laying down of a permanent Railway line between the Shere Shah Station house and the usual landing places of the steamers in the ordinary seasons of the year. The Station is well raised some feet above the low land, and during the inundation of August last escaped from injury, as also the main line from it upwards and towards Mooltan; while the low land was submerged, as also a portion of the temporary line of Railway that had been laid from the Station to what had been for many years previously the ordinary river's bank where steamers and boats usually landed their cargoes, thus cutting off the communication for some days. As far then as this Station house the trains will be run, and goods deposited there temporarily in dépôt, to be conveyed thence to the steamers as they arrive and to boats according as they shift their landing places, either by rail across the low land whenever practicable and not submerged, or by small cargo boats if the waters are high and up to or near the Station, or by such other means as circumstances shall require. But the parties to the through booking traffic arrangements between Lahore and Kurrachee, viz., the Punjab and Scinde Railways, and the Indus Flotilla Company will have to come to some arrangement for overcoming this little impediment to a complete system of inter-communication.

Progress in laying the permanent way between Lahore and Mooltan.

It is for carrying on this work that every credit is due to the Company's Officers who have been employed more particularly under this head, and the Government will doubtless be disposed to announce its gratification at the successful result of their labours. When I submitted my report of the progress arrived at by the close of the year 1863, I showed that 103 miles of the main line had then to be laid before through communication could be made. Again in my report for the half-year ending 30th June 1864, I had to state that 35 miles only of that length had been then laid. What then remained has been since completed, no less than 68 miles of rails having been laid, and so perseveringly that, by the 19th December, the last rail was linked in, and on the 23rd idem, the first through train travelled from Lahore to Mooltan, conveying the late Agent of the Company, then very ill and on his route to England, whose vigorous encouragement and inspiriting system of control truded in no small degree to lead to this most satisfactory result. It is not surprising, therefore, that his untimely death at Kurrachee, in about a month afterwards, caused the deepest regret to the Government, as well as much sorrow amongst the Railway staff.

Present state of the line.

At the close of the half-year the Chief Engineer describes the state of the line as regards the permanent way, showing that in about 70 miles of the whole line there was a good deal of lifting and ballasting still to do, before it would be in a proper state for regular travelling. But since that time strenuous efforts have been made by the Engineers and Platelayers, and daily improvement takes place. That portion requiring

most attention and ballasting is of course in the last 20 or 30 miles that were laid, but daily ballast trains are being worked, and in a month or two the whole should be lifted, packed, and rendered fit for opening, while the final ballasting to complete the boxing up can be carried out after traffic has commenced, as is usual on most lines.

State of the portion laid with iron sleeper pots.

There are about 75 miles of the line in the sandy districts towards Mooltan laid with the iron sleeper pots, and the whole length is in excellent order for travelling over, and well proved by the heavy trains with materials that daily pass over it. The only drawback is from the light sand that is whisked up in clouds as a train passes, for, besides the annoyance to passengers, this fine dust is prejudicial to the machinery of the Locomotives and bearings of the vehicles generally. The Chief Engineer intends, however, to cover the surface of the pot road with a top dressing of brick ballast, broken small, as also of broken pottery, quantities of which can be collected from the mounds and ruins of ancient villages found scattered about amidst what is now only a country of waste and jungle. Wherever the plan has been tried, the evil is almost prevented.

General remarks about the line and its probable opening for traffic.

My late inspection of the line was carried out for the first time by Railway throughout, and on returning from Mooltan the journey of 208 miles was performed in eleven hours, inclusive of stoppages at the intermediate Staions, ten in number, and which probably occupied in all nearly two hours of the time. This will, I think, show that trains for traffic purposes could also travel with ease and rapidity. Yet it is desirable to strengthen, lift, and tighten with a greater quantity of ballast. The line throughout the 20 miles or so last laid, before any regular traffic is run, as that will to a great extent impede the running of ballast trains as at present, and delay the consolidation of the line.

As regards the permanent way.

As regards gates and gate-keepers' huts.

There are about eight or nine gate-keepers' huts (masonry with vaulted roofs) yet to build, and gates to put up, although the latter are made and ready when required.

Ditto watering arrangements, signals, &c.

The watering cranes and arrangements are ready for working at nearly all the Stations, also the platform signals, these at several Stations being already erected, and at others now being put up. The traffic can be carried on irrespective of the additions being made to the Stations as above explained, at least for three months or so.

As regards the period fixed by the Chief Engineer.

In fact I do not see that I can demur to the Chief Engineer's estimate of the end of March as the time when the line could be opened, so far as travelling is concerned, or say in the middle of April, save in one particular—the fencing of the line.

But the want of fencing the only delay that may prevent such opening in April.

Probably by the middle of April half of the line, or from Mooltan to the half-way Station at the 104th mile, may be fenced on both sides, but as there is a deficiency of materials in store at present, and will be until two ships freighted with a quantity arrive as expected about April at Kurrachee, the completion of the fencing throughout the line to Lahore will certainly occupy several months to come. At the present date about 44 miles only of double fence have been erected from the Mooltan end. It is, so far as it is completed, an excellent fence of iron standards in iron sockets with the usual straining pillars and five strands of galvanized wire of the same kind as that erected on the Umritsur Section; and which appears to answer admirably in a country where white-ants abound. Cactus or other hedges will not grow in most places, and mud-walls, as tried on the Shere Shah section, do not suffice to prevent the trespass of cattle.

Railway Officers desire to open without fencing.

The Railway Authorities are desirous of opening the line without waiting for the completion of the fencing, although they are averse to the use of cow-catchers.

The question of opening or not without fencing is now under the consideration of Government.

But the question as to whether the line under the Railway Act, &c., can be opened for traffic, before it is fenced throughout, is now being discussed by the Government, and, pending a final decision, the opening must remain in abeyance. The indent for the supply of this fencing was sanctioned by the Local Government in April 1863, and then sent to the Board for compliance; and yet the materials have not been received in full in two years; any delay in opening must, therefore, be assigned to the want of despatch under this head on the part of the Railway Authorities in England.

Traffic Report for half-year.

A copy of the Traffic Manager's half-yearly report, as transmitted to the Board of Directors, accompanies these papers, but it deals with the subject only in a general way for their cursory information; and until the detailed Revenue Returns are received, no further advertence to the report can here be made than is given in the Acting Agent's Report. The epidemic that has raged at Lahore and Umritsur during the colder months has affected the Traffic Returns considerably, although it is stated that there has been an increase of receipts and travellers on the whole period over the corresponding period of 1863 in the former case of above Rs. 8,000. I may mention that the introduction of the double storied 3rd class carriages, carrying 130 when full as the limit allowed by Government, has given great satisfaction to the class mentioned by whom they are preferred. The Company have now 12 ready for use. Moreover there are now nearly the full number of vehicles turned out for Rolling-stock as estimated to be required for working the whole line when opened. And all needful increase to the Locomotive and Traffic Establishments has been lately sanctioned by the Government.

Acting Agent's Report and the death of the late Agent.

Mr. Finch, who has been the Accountant of the Company for above six years, has, with the sanction of Government and the Board, been carrying on the duties of the Agency Office since 19th September, when the late Agent, Mr. Stevens, was seized with the attack of paralysis that has ended in that gentleman's decease at Kurrachee last month. His death

is deplored by all the Railway staff deeply, and the Local Government has expressed its sincere regret at the loss of so able an Agent and administrator of the Company's affairs in India. It will be difficult to supply the Agency with such a skilful, energetic, and intelligent Chief Officer as the late Mr. Stevens. And in this report I cannot refrain from recording the sorrow which, as a personal friend of his, as well as the Government Railway Officer in daily official intercourse with him, I have felt his untimely loss and removal just when the work he had been sent out to control in co-operation with the Government, had arrived at that point of completion he had so strenuously and successfully endeavoured to effect from the very day, nearly four years ago, when he assumed charge of his duties at Lahore. His life was spared just long enough, and his desire was fulfilled. He was the first who travelled throughout by the line of the Railway for which he had laboured so well; but he was then conveyed as a helpless stricken man, and in a few short weeks afterwards was laid in the grave before half of his journey homewards could be accomplished.

Plate-laying in the Punjab Railway.

Progress Report of Plate-laying for the month ending January 1865.

	Miles.	Chains.		Plate-laying required.	Previously		This Month		Total		Remarks.
					Linked in.	Completed.	Linked in.	Completed.	Linked in.	Completed.	
			District No. 1.	M. C.							
From	...	72	Main Line at Lahore Station	30 73	30 73 0	30 73 0	.....	.....	30 73 0	30 73 0	
To	31	65	Umritsur Station								
			District No 2.								
From	...	72	Main Line at Lahore Station	53 8	53 8 0	53 8 0	.....	.....	53 8 0	53 8 0	
To	54	...	" towards Mooltan								
			District No. 3.								
From	54	...	Main Line	56 0	56 0 0	0 4 0	.....	.....	56 0 0	0 4 0	
To	110	...	" towards Mooltan								
			District No. 4.								
From	110	...	Main Line	56 0	56 0 0	34 0 0	.....	80 0 0	56 0 0	42 0 0	
To	166	...	" towards Mooltan								
			District No. 5.								
From	166	...	Main Line	54 30	54 50 0	50 30 0	.....	.....	54 50 0	50 30 0	
To	220	30	Sher Shah Terminus, 11½ miles beyond Mooltan Station...								
			Total from Main Line ...	250 31	250 51 0	168 35 0	.....	8 0 0	250 51 0	176 35 0	
			Station Yards and Sidings ...	30 67	15 35 97	13 19 97	0 40 0	.....	15 75 97	13 19 97	
			Total ...	281 18	266 6 97	181 54 97	0 40 0	8 0 0	266 46 97	189 54 97	

LAHORE,
21st *March* 1865.

(Signed) J. HARRISON,
Chief Engineer.

Govt. of Fort St. George.

Report on the Government Cinchona Plantations and Botanical Gardens for 1863-64.

Introductory observations.

1. Notwithstanding the unusually trying seasons of the past official year, it affords me much satisfaction to be able to state that our Chinchona plants have in every respect made most satisfactory progress. In the propagation still greater results have been obtained than those previously described, the maximum monthly produce of 32,408 plants were obtained in February last, the average being 15,326. The oldest plants, viz., those permanently planted out in August 1862, have attained heights varying from 6 to 9 feet with thick stems well furnished with lateral branches, and presenting as robust and healthy appearance as could be wished. Like most trees of their age these plants are not now making so much perpendicular growth as they did in the first year, in consequence of the number of branches thrown out, whereby the direct flow of sap is diverted from the leading shoots, the plants nevertheless are gaining in thickness more than they have hitherto done. The Chinchona Officinalis, Bonplandiana, and Cresspilla have been found to succeed best on the Dodabetta plantation (about 8,000 feet elevation), where the plants are robust and luxuriant, although not making so great perpendicular growth as at lower elevations. The 1st Dodabetta plantation possesses every exposure and many varieties of soil, and over the whole of this site these three species have been found to thrive well. The result of this year's analysis has also established an extraordinary increase in the yield of alkaloids, showing the product to be 6 per cent. of rough alkaloids, while the previous analysis gave 4·3 per cent. From these observations it is plain that Peruvian bark will now be secured to India as one of its products. The cultivation of these very valuable plants has produced results far beyond our original expectations, and now that we have obtained considerable experience in their management, greater progress may reasonably be expected. With these preliminary remarks, I proceed to particulars which, for the sake of convenience, are arranged under the following heads :—

Increase of propagation.

Height and growth of plants.

Increase in thickness of stems and growth of lateral branches.

Condition of plants on Dodabetta plantation elevation 8,000 feet.

Make less perpendicular growth, but more robust than at lower elevations.

Grow well in all exposures on this site.

Analysis of bark show great increase in Alkaloids.

Progress of the plants exceeds original expectation,,

Heads of Report.

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Growth and condition of plants on the 1st and 2nd Denison Plantations at Neddivuttum.

2. Our first plants were permanently planted on the Neddivuttum plantation in August 1862. Eleven plants of C. Succirubra selected for measurement, planted on the 30th idem by His Excellency Sir William Denison and other gentlemen, have made average growth of 3 feet from the date of being planted to the 30th April 1863, (nine months) and from the 1st May 1863 to 30th April 1864, 2 feet 11 inches; this it may be estimated is 3 inches in excess of the average growth of the whole of the plants of this species throughout the plantations; the older plants have gained much in thickness during the last year, and thrown out many strong branches varying from 1 to 5 feet in length.

Attained 3 feet in height in first nine months.

2 feet 11 inches in the preceding 12 months.

Increased considerably in thickness and lateral growth.

Favorable appearance of bark.

3. The bark has also much improved, the thickness having increased considerably; the transverse marking characteristic of the finest Peruvian bark becoming very apparent and rudimentary lichens

and mosses have begun to develope themselves on the bark of the older plants, while their sturdy and robust habit indicates beyond all doubt that the the Chinchona, in its new home, has found conditions quite as favourable to its growth and full development as in the most favorable localities on the Andes. The above remarks refer principally to the C. Succirubra, that species being more extensively planted on the Denison Plantations, and found to thrive well at elevations varying from 4,000 to 6,000 feet.

Robust habit indicating existence of as favorable conditions to growth in this locality as on the Andes.

C. Succirubra or red bark flourishing at elevations of 4,000 and 6,000 feet.

4. The C. Calisaya on the same plantations give an average annual perpendicular growth of 2 feet 4 inches, or 7 inches less than of C. Succirubra, the stems have however have not increased in proportion; in fact the stems of this valuable species do not give one-half the average diameter of plants of C. Succirubra of the same age, and consequently not more than one-half the quantity of bark in the same period of growth, the plants are nevertheless healthy and robust; yet in a commercial point of view its comparative slow growth will, I fear, operate against its extensive cultivation.

C. Calisaya or yellow bark of slower growth than C. Succirubra.

Producing only half quantity of bark in the same period.

Plants healthy and robust.

5. The C. Micrantha, Peruviana, and Nitida have maintained an average growth almost identical with that of C. Succirubra, viz., 2 feet 8 inches, but the bark formed by these species is fully $\frac{1}{5}$th thinner than that of the C. Succirubra.

The C. Micrantha, Peruviana, and Nitida or grey barks made annual growth of 2 feet 8 inches.

6. About 25,000 plants of C. Officinalis, planted on the Markham Plantation (elevation 5,000 to 6,000 feet) have grown taller, but not so robust as plants at higher elevations. Here however the C. Succirubra and Calisaya have made growth quite equal to any of the plants of these species on the Denison Plantation.

C. Officinalis or crown bark on Markham Plantation.

C. Succirubra and Calisaya.

7. On the Wood plantation at Pykara the C. Succirubra and Officinalis only have been planted, and have made progress equal to the plants at Neddivuttum.

On the Wood plantation at Pykara only two species planted, viz., C. Succirubra or red bark, and C. Officinalis or crown bark.

8. On the 1st Dodabetta plantation (elevation varying from 7,830 to 8,350 feet), the progress of the C. Succirubra, and C. Micrantha has been unsatisfactory, the elevation being apparently too great; but the C. Officinalis, Bonplandina, (Condamennia) and Cresspilla have succeeded better than on any other of our plantations, that is, the plants have grown more robust and luxuriant, and this even on the most exposed parts of the plantation, and the important fact is now established, that these three species can, with ordinary care and skill, be succesfully cultivated over the whole of the plateau of the Neilgherries, thus opening out an immense field for the development of enterprise and energy with profitable employment of time and capital, and in addition the cultivator will be placed in perhaps the most healthy and invigorating climate in the world.

1st Dodabetta plantation, elevation 7,830 to 8,350 feet.
Too cold for C. Micrantha and C. Succirubra.
Here all species of crown bark thrive better than at lower elevations.

The important fact is established that these species may be successfully cultivated all over the plateau of the Neilgherries.

Thus opening an extensive field for enterprise.
And places cultivator in healthy and in invigorating climate.

9. Forming an opinion on our experience up to the present time, the elevations best suited to the growth of the different species of Cinchona appears to be in this latitude for the Succirubra from 3,000 to 6,000 feet, probably thriving best at altitudes from 4,500 to 6,000. This is perhaps the hardiest species in cultivation bearing, without material injury, greater extremes of heat and cold than any of the other species yet introduced.

C. Succirubra grows at elevations from 3,000 to 6,000 feet.
The most hardy of all the species.

10. C. Calisaya thrives best at an elevation of about 5,000 feet, it appears not to bear a high temperature, although in the Wynaad District it grows at 3,000 feet.

5,000 feet the best elevation for C. Calisaya or yellow bark.

11. The C. Peruviana, Nitida, and Micrantha grow well at elevations of 4,500 feet, and in sheltered localities at 6,000 feet.

Grey barks thrive best at elevations of about 4,500 to 6,000 feet.

12. C. Officinalis and its varieties flourish best at elevations from 7,000 to 8,500 feet; it makes rapid perpendicular growth at lower elevations, but is not so robust and luxuriant.

Crown barks at elevations from 7,000 to 8,500 feet.
Makes more perpendicular growth at lower elevations, but is not so robust.

Two plants of C. Lancifolia Pitayo bark planted out at an elevation of 7 600 feet appears to require the same elevation as the crown barks.

13. Of the C. Lancifolia only two plants have been tried at an elevation of 7,600 feet, these stood the cold of last winter without injury, and the species may probably be found to require the same elevations as C. Officinalis and its varieties.

Results obtained by private planters in the cultivation of Cinchona.

14. Upwards of sixty persons have, in a greater or less degree, undertaken the cultivation of Cinchona, but, as was to be expected, with varied results: the efforts of some being highly successful, while others met with comparative failures; among the most unsuccessful attempts may be mentioned those of Professor Lees and M. deFacien, both of these gentlemen in the first instance lost nearly ⅘ths of their plants either in transit or in the nurseries. Experience however has pointed out a remedy, and I learn from Mr. Lees' Superintendent that his plants are now doing well, and that he is propagating them at the rate of 200 per mensem. Mr. deFacien also writes that his plants "are, since the shade has been removed, growing as they never did before."

In the first instance great loss of plants sustained by Professor Lees and M deFacien. Experience suggested a remedy and now successful.

Successful also in North-West Provinces.
Mahableshwur, Belgaum, and Honore.
Darjeeling.
Assam and Cachar.
Wynaad.
On the eastern slopes of the Neilgherries.
In Coorg and Nuggur the cultivation most successful and encouraging.
31,000 Cinchona plants supplied from Ootacamund to every District in India suitable to their growth.

15. In the North-West Provinces considerable success has been obtained, as also in Mahableshwur, Belgaum, Honore, and elsewhere in the Bombay Presidency. From Darjeeling, I learn that Mr. Fitzgerald received all his plants in excellent condition. From Assam and Cachar the accounts are varied. The Wynaad Coffee Planters have been generally successful with the plants forwarded to them, and on the eastern side of these hills a similar success has been gained. I learn from Mr. Mulally that the plants he received have made great progress. In Coorg and Nuggur, the success seems to be general, and several Planters there contemplate embarking largely in the cultivation. It will be observed that in little more than two years, upwards of 31,000 Cinchona plants have been supplied from Ootacamund to every District in India considered suitable to their growth.

Prospects of the spread and increase of Cinchona cultivation.
Inducements to cultivate Cinchona in preference to other products.

16. The cultivation is one in which Planters are eager to embark, as in fact it offers advantages which no other on the Neilgherries possesses. It promises a greater return on the capital invested than Coffee, while the cultivation can be carried on in a healthy climate: the plants when once established are easily managed, the preparation of the bark is much more simple than that of the manipulation of Tea, and after three years' growth the plantations can be maintained at little cost. These advantages are sufficiently understood and recognized to induce a number of cultivators to enter the field, consequently the applications for plants have been numerous, many of these however to the extent of upwards of 50,000 plants have lately been relinquished in consequence of the applicants being unable to procure the land they had selected, being informed that it was reserved. The loss of time and trouble thus incurred has had the effect of discouraging further applications, the more especially as an impression prevails that no forest land on the Neilgherries will in future be sold. I submit that this impediment may be removed by the reserved lands being marked on a map kept in the Collector's Office for reference, this would facilitate the extension of Cinchona cultivation, as parties would then select unreserved land with a certainty of its being put up to auction three months after date of application. I make these remarks as all the lands on the slopes and on the plateau of the Neilgheries is well suited to the growth of the different species of Cinchona, and in a philanthrophic, as well as revenue point of view, it seems desirable that all obstructions be removed, and every legitimate encouragement afforded to bring all available lands under cultivation.

Many speculators have undertaken the cultivation of Cinchona.
50,000 plants relinquished by applicants in consequence of difficulty in procuring land.
On application, informed it was reserved.

Suggests that the lands reserved be marked on a map kept in the Collector's Office for reference.

All the lands on the Neilgherries suitable to the growth of Cinchona.

Desirable to remove impediments and encourage extension of the cultivation.

17. In the preceding paragraph it has been stated that upwards of 50,000 Cinchona plants have been relinquished owing to the difficulty of procuring land, in consequence I am informed of an opinion that felling the forests on the Neilgherries causes a deterioration of climate and deficiency in the rainfall, which it is stated does not now extend so far into the Coimbatore District as formerly, owing to the forests on the Neilgherries having been felled for the cultivation of Coffee and other products. If this impression could be shown to be correct, it would be important to maintain the fertility of the Coimbatore District by preserving the natural forests on the Neilgherries. But, theory and observation, combined with experience of practical effects, prove this conlusion to be erroneous. The Neilgherries like other high mountain ranges

Influence of trees on rainfall and climate.

Forest land reversed in consequence of an impression that clearing the trees causes a deficiency of rain on the Hills and the Coimbatore District.

Impression erroneous.

generate and are covered by a cold stratum of air which condenses the moisture contained in the warm atmosphere in its passage from the sea; hence if our hills were 4,000 feet lower, the temperature of the stratum of air would be increased, consequently its condensing powers reduced, and thus the rains at Coimbatore would be nearly as copious during the western monsoon as on the Malabar Coast. On the contrary were the Neilgherries 7,000 feet above their present elevation, then not a drop of rain would pass over the hills, as every particle of moisture in the heated air from the sea would be precipitated by coming in contact with a freezy atmosphere, in this case not only Coimbatore, but the whole of the eastern side of the Hills would be devoid of rain, while torrents would fall on the western face, as exemplified in many parts of the Andes and the Himalayas; in short the same effect takes place in a greater or less degree on all mountain ranges according to their elevation. On the sea face of the Scandinavian Alps, there is an annual rainfall of 80·12 inches, while on the other side the mean annual fall is only 20 inches.

In south-west monsoon rainfall in the Coimbatore District dependant on the elevation and temperature of Neilgherries.

Examples.

18. That trees do exercise considerable influence on the rainfall is undoubted, as, by offering a large evaporating surface, they increase the cold stratum of air which causes condensation. In this way they aid more effectually to wring the clouds of moisture in their passage over the Neilgherries. Hence it is evident that the more abundant the trees on the Neilgherries, the more effectually is the Coimbatore District deprived of the western rains.

Trees increase rainfall by increasing cold stratum of air.

More effectually deprive clouds of moisture in passing over the Neilgherries.

The more trees on the Neilgherries the less rain at Coimbatore.

19. Evaporation is in fact the principal cooling agent on the globe, being always in proportion to the amount of exposed surface. Suppose, for example, a tree of 45 feet in height covering 100 square feet of the surface of the ground, this tree will, at the lowest calculation, present an evaporating surface of at least 8,000 square feet, as evaporation goes on from every leaf and green shoot, and unless under very dense shade, the evaporation and radiation from the 100 square feet of ground it covers would not be entirely destroyed, thus a tree increases 80 times the evaporating surface, and would perspire from two to three times the amount of water that would be evaporated from the ground were the tree felled, as the average evaporation from the surface of a leaf is only $\frac{1}{25}$th part of that from a similar surface of moist ground, and $\frac{1}{40}$th from the same surface of water, all being under the same relative conditions. However, as the air becomes charged with moisture, evaporation from the surface of the leaves becomes less active, and ceases entirely at saturation, when another function directly the reverse commences; the leaves now beginning to imbibe moisture.

Evaporation great cooling agent.

A tree of 45 feet in height covering 100 square feet of ground adds 80 times to the evaporating surface without completely destroying the evaporation from the ground it covers.

Leaf evaporates $\frac{1}{25}$th part of water raised from the same surface of moist ground, and $\frac{1}{40}$th part of that raised from the surface of water.

When the air becomes saturated, evaporation ceases, and leaves imbibe moisture.

20. From the above point of view, it is obvious that trees exercise considerable influence on the rainfall and deposit of dew. But there exists another and counterbalancing effect too frequently overlooked, which makes trees in a climate like ours a far greater drain on the moisture than they prove a source of supply. It has been shown that trees by expending moisture (evaporation) convey to the air the power (cold) of condensing moisture; hence, it becomes an object of enquiry to ascertain how far the waste exceeds the supply gained by this process, especially on these hills where we have about three months of continuous clear weather, and dry atmosphere with a difference of from 8° to 13° Fahrenheit between the wet and dry bulb thermometers. Here large extents of evaporating foliage throw off daily an enormous quantity* of moisture, drawn from a depth of the soil so far as the roots penetrate, this moisture which would otherwise have supplied the springs, is thrown off by the leaves into the dry and arid atmosphere where it is dissipated and driven by currents of air into higher latitudes.

In wet weather trees increase rainfall and deposit of dew.

In dry weather a counterbalancing agency at work making trees a far greater drain on the springs of the Neilgherries than a source of supply.

Trees draw the moisture they evaporate from considerable depth, and thus intercept its passage to the streams.

Is dissipated never to return.

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* "Vegetable Statistics" by Doctor Hales, quoted in Lindley's "Introduction to Botany," Volume II, pp. 288, 289, 291.

"July 3rd, 1824, in order to find out the quantity imbibed and perspired by the sunflower, I took a garden pot with a large sunflower, 3½ feet high, which was purposely planted in it when young. I covered the pot with a plate of thin milled lead, and cemented all the joints fast, so as no vapour could pass, but only air, through a small glass tube nine inches long, which was fixed purposely near the stem of the plant, to make a free communication with the outward air, and that under the leaden plate. I cemented also another short glass tube into the plate, two inches long and one inch in diameter. Through this tube I watered the plant and then stopped it up with a cork, I stopped up also the holes at the bottom of the pot with corks. I found the greatest perspiration of twelve hours in a very warm dry day to be one pound fourteen ounces, the middle rate of perspiration one pound four ounces. The perspiration of a dry warm night without any sensible dew was about three ounces."

* * * * * * *

"From July 3rd to August 3rd, I weighed for nine several mornings and evenings, a middle size cabbage plant, which grew in a garden pot, and was prepared with a laden cover as the sunflower. Its greatest perspiration in twelve hours was one pound nine ounces, its middle perspiration one pound three ounces, 32 cubic inches.

Tree covering 100 superficial feet of surface evaporates 6 cubic feet of water every warm and dry day.

21. A tree 45 feet high and covering 100 superficial feet throws of at least 6 cubic feet of water every warm and dry day. An acre would contain 433 of such trees, but reduce this number to 300, and it gives a daily evaporation from every acre of forest of 1,800 cubic feet, or the enormous quantity of upwards of 11,000 gallons; yet, incredible as this may appear, it does not represent one-half the moisture thrown off daily by an acre of forest on the Neilgherries during the months of January, February, and March. In each year the average number of warm and dry days exceeds 190, but reduce this number to 150, and we have upwards of a million and a half gallons of water extracted from the soil and dissipated by every acre of forest. The practical effect of an agency so enormous is very apparent on the springs and streams on the Neilgherries, as all springs arising in, and passing through, valleys destitute of trees, maintain their flow throughout the dry season far better than those which arise in, and pass through, wooded valleys; it being obvious that the roots of the trees intercept and drink up the water in its descent through the soil to the streams. Many extraordinary convincing proofs of this potent agency are to be met with on the Neilgherries, and I give, as an example, the spring that supplies the Botanical Gardens here, which has its rise in the valley partially cleared of forest two years ago for the 1st Dodabetta plantation, the flow of water in the stream during the last excessively dry season was fully twice as much as prior to the forest being felled.

In 150 clear and dry days in the year, upwards of a million and a half gallons of water dissipated by every acre of forest.

Practical effect apparent on the streams and springs.

Streams arising in and flowing through valleys destitute of trees maintain their flow much better than springs arising in and passing through wooded valleys.

Many convincing examples to be met with on the hills.

An example in the stream which supplies the Government Gardens.

22. The foregoing favours the opinion that if the Neilgherries were destitute of forest, the streams in the dry season would carry to the low country a flow of water twice as much as they do at present. But the great advantages which trees bestow cannot be overlooked, they improve the soil on which they grow, render the temperature more equable, reduce the violence of storms, afford shelter and shade very grateful to man, and their presence gives a pleasing effect to the eye, while their gaseous emanations are highly beneficial to animal life. These advantages apart from their economical uses require (so far as is consistent with general cultivation) the presence of trees in every locality where they can be produced.

Neilgherries destitute of trees, twice as much water would flow to the low country during the dry season.

Advantages of trees.

23. In the above observations the important fact has not been taken into consideration, that the trees forming the natural forests on the plateau and upper slopes of the Neilgherries are quite useless except for firewood, and that planting Cinchonas would be substituting valuable for worthless trees. My object in introducing this subject is to show the reservation of the natural forests to be unnecessary so far as they affect the local rainfall and that of the Coimbatore District.

Object of foregoing remarks.

To show the reservation of natural forests, fails to increase rainfall.

24. The treatment described in previous reports and "Notes on cultivation, 6th March 1863," has been found generally adapted to the requirements of the plants, especially as regards their propagation. In transplanting from the propagating houses into the nurseries, a modification has been found necessary. In order to enable the plants to be removed without damage to their roots, a layer of moss is introduced under each line of plants. A. represents a transverse section of the nursery bed with moss B. introduced, C. being the longitudinal section. The manner in which the plants are planted being the same as described in paragraph 26, it being essential to success not to catch the roots of the plants in the hand, as the least bruise destroys them, therefore the plants should invariably be lifted by the leaves.

Cultivation. Modification of former treatment.

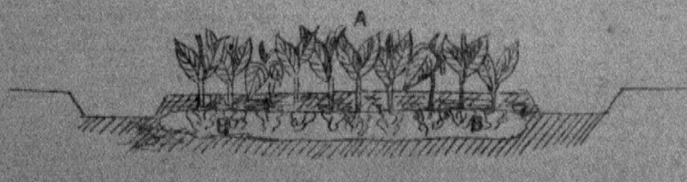
Transplanting plants in nurseries.

Roots must not be handled.

NURSERY BEDS.

LONGITUDINAL SECTION SHOWING THE ENDS OF THE MOSS UNDER THE SOIL.

TRANSVERSE SECTION SHOWING THE LINES OF MOSS.

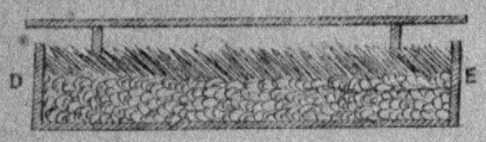


25. In permanently planting out, the distance apart has been reduced from 10 and 12 feet to 6 and 7, and a modification of our former method of planting has also been found necessary. In order to facilitate this operation, the plants when removed from the nurseries, beds, or pots are laid in a deal box in nearly a horizontal position between thin layers of moss, beginning to fill the box at D. and finishing at E., in this way from 1,000 to 2,000 plants are placed in each box, and carried by one or two men from the nursery ground to the planters, where the box is placed in the centre of the line between the planters in order that it may be conveniently moved along as the operation proceeds. The planters remove the plants one at a time beginning at E., and continue this operation until the box is emptied.

Permanently in the plantations.

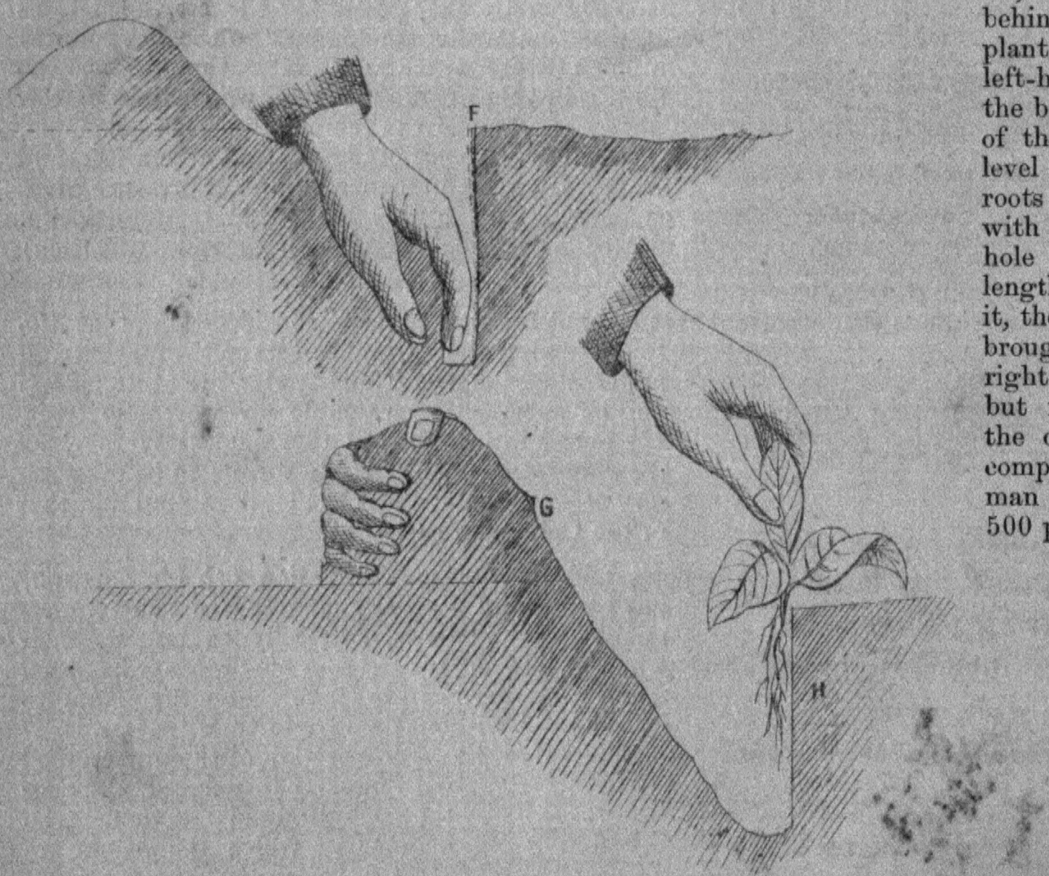
Removing plants from nurseries to plantation.

SECTION OF BOX FOR CONVEYANCE OF PLANTS FROM NURSERIES TO PLANTATIONS, THE COVERING BEING RAISED ABOUT 2 INCHES ON CROSS BARS TO ALLOW A FREE CIRCULATION OF AIR OVER THE TOPS OF THE PLANTS, WHILE IT SHELTERS THEM FROM THE SUN.



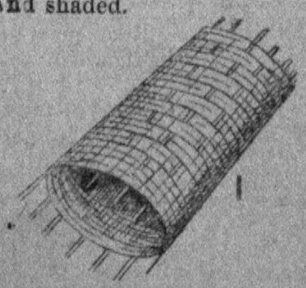
26. Each plant is lifted from the box by catching the leaves between the forefinger and thumb of the left-hand, while with the right-hand the roots are freed from any obstruction, it is then carried to the spot where intended to be planted, the right-hand being thrust into the soft prepared soil in a sloping direction, and gently raising the back of the hand to the dotted line shown at F., the earth is then drawn forward as at G., leaving a straight bank behind the hand at H., the plant is now placed by the left-hand against the face of the bank, the collar or top of the root being held on a level with the ground, the roots are now spread out with the right-hand and the hole deepened should the length of the roots require it, the earth from G. is then brought forward with the right-hand against the roots, but not pressed, and thus the operation of planting is completed, in this way a man can plant from 400 to 500 plants daily.

Manner in which they are planted.



27. The young plants immediately after being planted (instead of being sheltered as formerly by a screen made by bamboo branches) are covered by a cylindrical basket open at both ends, 12 inches in diameter and 14 inches long as at I., made out of the common whattles so plentiful on these hills, one man making from 8 to 10 of such baskets daily, this is found the most efficient as well as the most economical way of protecting the plants, as when they are established, the baskets can be removed and are available for further use.

And shaded.

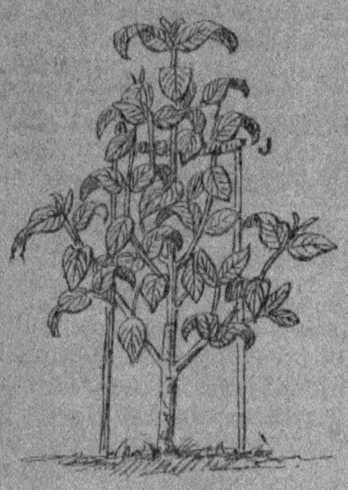


Method of shading plants.

28. It has been found that the plants when staked in the usual way are injured by the tie cutting into the bark, to remedy this, one or two stakes are placed on opposite sides at a distance of about 12 inches from the plant and a hoop formed of rattan covered with moss for large, or willow twigs for small, plants is placed around the branches and tied to the stakes at both ends when two are used as at J. In stormy situations and steep lands, it would appear desirable, instead of staking, to secure the plants to the ground by bending them forward and pegging them against the face of the hill, the plants would then throw up numerous shoots, and these shoots would protect each other from the force of the wind.

Usual mode of staking the plants proves to be injurious by the ties cutting into the bark.

Adopted method of staking by which the cutting is avoided.



29. Cultivation under living trees has been entirely abandoned, the plants having been found to suffer from the effects of the drip and want of light, while the roots of the trees in the neighbourhood penetrate the holes and draw up all the nourishment from the young plants; they are also liable to damage from the branches as well as the trees being broken and falling during storms.

Cultivation under shade of living trees and in the open ground.

30. Partially cleared forests have also been found quite unsuited to give shelter, as the high gales of wind being caught by the tops of the trees are driven down in strong eddies, as the current from the top of one tree meets that from another, and thus twists the plants in all directions producing much greater injury than a steady gale. In short, the more exposed the situation in which the plants are growing, the more healthy and robust they appear, although they do not attain so rapid growth as in more sheltered localities, thus establishing beyond all doubt that the more the plant is exposed to light and air, the more perfectly it performs its functions, thus the juices being more effectually elaborated, we may expect a large proportion of alkaloid, which may counterbalance the comparative slower growth.

Partially cleared forests quite unsuited to the cultivation of the plants.

Plants fully exposed to light and air more perfectly perform their functions.

31. The large leaved species of Cinchona (red and grey barks) suffer considerably from high winds, especially when young, the leaves are frequently blown to pieces, and occasionally in very exposed situations the brances are broken, and the plants twisted out of the ground. As the plants grow older, their leaves become smaller and consequently not so much affected by the wind; the yellow and crown barks do not suffer so much from storms, their leaves being much smaller, they are however occasionally injured in heavy gales. The storms of hail so frequent here in March and April, although productive of temporary damage by cutting the leaves, yet the plants have not materially suffered from this cause.

Effect of storms and wet and dry weather on cultivation. Plants suffer from when young.

As attain age, less liable to injury.

Hail storms break the leaves, but do no permanent damage.

32. During continuous wet weather the leaves assume a yellow tint, and become contracted around the margin towards the under surface, causing rough undulations in the texture of the leaf along the midrib and between the lateral veins. It also induces a succulent and unhealthy condition of the plant, in some instances causing an unnatural development of pith, rendering the plant liable to disease, 25 plants having died from the effects of the continued rain of last season. The grey barks suffer most from the constant stream of water thrown down their channelled leaf stalks, communicating rot to the bark which occasionally penetrates to the stem, and thus permanently injures the plant. The heavy rains have been found to carry down a large quantity of earth, which covered the plants and caused much time to be occupied in its removal; this has been effectually obviated by a system of surface drains.

Continuous wet weather, effects of.

33. As observed by early writers, "the condition of showers and sunshine" has proved most favorable for the growth and full development of the Cinchona under cultivation. The plants however when established bear a considerable amount of drought without injury. During the first two

Showers alternated with sunshine prove most favorable to the growth of plants.

Bear considerable drought without injury.

months of last severe dry season, the plants maintained their growth and healthy appearance, the drought then began to make itself felt, the leaves of the plants assuming by degrees the contracted form and yellow tint as during the continuous rains. After three months' continuous drought a few of the plants on the more exposed parts of the plantation began to droop, in a few days this tendency increased, and on the 98th day it became necessary to water the plants by the hand. These were plants of one year's growth, and probably plants of two years' growth, in good soil, would bear greater drought without injury.

98 days of continuous drought necessary to hand water young plants.

34. In collecting our samples of bark, lopping the branches or cutting down the plants to within a few inches of the ground has been found the most advantageous. Removing the bark in strips from the stems of the plants has been discontinued, for although new bark is formed over the spaces, it is not until more or less decay has been communicated to the wood, and thus the stems are prevented from expanding.

Gathering the bark and treatment of plants for this purpose.

Removing bark in strips, injures growth of plants.

35. The plants of "red," "grey" and "yellow" barks cut down between March and August have uniformly thrown strong shoots from the stools, these shoots have grown with great vigour, and this may be found a profitable way of treating the plants, particularly in exposed situations, as the number of shoots thrown from the stools afford mutual protection.

"Red," "grey," and "yellow" barks throw out shoots from the stools when cut down between March and August.

36. It is however important to note that of the plants cut down between September and February (although of the same species) not one in five threw shoots from the stools; of these plants two retained life for a few days then gradually died away. The varieties of "crown" barks however form an exception, as these possess sufficient vitality to produce strong shoots at whatever season of the year they are cut.

But not when cut between September and February.

"Crown" barks an exception, as they throw shoots at any season.

37. From the above it is obvious that if the harvest of bark is to be obtained by cutting down the plants in the dry season or between December and March, they must be prepared during the preceding wet weather, as described and illustrated at paragraph 21, Plate VI in "Notes on cultivation, &c., dated March 1863."

If cut during dry weather, plants must be prepared.

38. When the system of lopping and pruning is adopted, all the species are found readily to produce fresh branches at any season of the year.

Lopping and pruning adopted, species readily produce fresh branches

39. On the 4th of April 1864, I received from Mr. Markham, of the India House, a small packet of seeds of C. Pitayocusis, these were sown on the same day; a large packet received on the 20th idem, through the Government, were also sown on their receipt, and I regret to add that up to the present date not one seed has germinated, and fear there is now no hope of their doing so. This is much to be regretted, as the species is one of great value, and although we possess the C. Lancifolia from Java a Pitayo bark, yet there being three varieties, the Lancifolia may not be the most valuable kind, it is therefore desirable that another attempt should be made to procure fresh seeds of these plants.

Cinchona Pitayocusis, attempt to introduce.

40. Mr. Cross* collected the seeds in July and August 1863, and conveyed them to the port of Guayagnil, with the intention of forwarding them to Mr. Markham. By some mistake the sum which Mr. Cross was to have received for collecting the seeds had not reached Her Majesty's Consul, this gave offence, and Mr. Cross returned carrying the seeds with him into the interior of the country. After a delay of five months, and in compliance with the entreaties of Mr. Markham, the seeds were ultimately despatched, apparently after having lost their germinating powers.

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* EXTRACTS FROM MR. CROSS' LETTERS:—

Bogoda, September 16th, 1863.

"There are three varieties of Pitayo Cinchona, white, yellow, and red, of which the latter is by far the finest and most valuable, having actually in several instances yielded five per cent. of sulphate of quinine. It rarely falls below 3 per cent., but its general yield is 3½ to 4. This variety has been much sought for, and at the time I write it scarcely exists. It is dug up, roots and all, whenever found. After searching through mountains, ravines, and wild broken ground near Popayan, I found a splendid clump owned by an Indian, and made a clean sweep of all the seeds that were on the trees. On returning to my encampment, I carefully dried the precious collection. I say precious, for neither I nor any one else can ever make a similar collection again, simply because the species will very soon be entirely annihilated. The Indian was about to dig up the roots of the clump, and when this is done the valuable species will be lost for ever. I have seen plants of this variety dug up in the surrounding forests whose stems were not thicker than a writing quill, but these are rarely to be met with, for the plant, as already stated, is nearly exterminated. On drying the collection, I found I had secured nearly a million and a half, a million of which I considered to be the finest seeds I had yet collected in the Andes."

January 20th, 1864—"I believe the seeds to be as fresh for purposes of germination as the day they were collected on the Pitayo mountains. I send a few seeds in this letter, because I find I will not be able to get down in time for the steamer. The rest will certainly come by the following Mail. The seeds were well ripened, carefully dried, and have been carefully protected up to the present time. Give the seeds on the Neilgherries about the same temperature as the Loxa seeds until they germinate. Then treat them as hardly as possible. Care must be taken that this species does not get overloaded at the roots with moisture. It is the most rapid growing of all the Cinchonas and perhaps the best."

(Signed) CLEMENTS R. MARKHAM.

Establishments.

41. The difficulties previously experienced in procuring efficient men has been severely felt this year, in consequence of the number of Coffee and Tea plantations lately opened in the neighbourhood (no less than 36 having been commenced within the last eighteen months), many of our best men have left either to open plantations for themselves, or to fill situations where greater inducements are offered. Mr. Batcock, the Deputy Superintendent, has given great satisfaction in carrying out the work entrusted to his charge. Lieutenant Nichol, recently placed in charge of the Neddivuttum plantations, has shown energy and activity in pushing forward the operations. I have also reason to be satisfied with the diligence and care shown by Mr. Smith, Assistant Superintendent of the Dodabetta plantation. Overseers Burrows, Ramsey, and Wilkinson have been attentive and careful in conducting the work. In the office Establishment Narainsawmy Naidoo and Mr. McNair has given every satisfaction in the performance of their duties as Pay Clerk and Accountant.

Progress of operations.
Propagation and nurseries

4,16,909 plants propagated.
31,662 plants distributed to the public.

Nurseries formed for 3,50,000 young plants.

42. A range of hardening pits has been added to our propagating departments, which affords shelter for 75,000 plants, and these with the five propagating houses described in previous reports give ample appliances for the production of between 20,000 and 30,000 plants monthly. The total number of plants produced up to 31st May 1864 being 4,16,909, of this number 31,662 have been distributed to the public. Extensive nurseries have been formed on the different plantations for the accommodation of the plants produced during the current year, in all sufficient to contain 3,50,000.

Neddivuttum plantations.

220 Acres planted; roads, drains, &c, finished

205 additional acres cleared and in a forward state of preparation for planting.

43. On the Neddivuttum plantations, it has been found necessary to renew several of the temporary buildings for the coolies; the wood covering the drains and culverts formed in 1862, have been renewed and re-placed by stones; the surface drains on the Denison plantations widened and increased in number, in order to prevent the severe wash occasioned by the heavy rain of last monsoon; there 220 acres are already planted, roads, drains, trenches, &c., finished; on the 1st Denison plantation the plants have attained considerable size, and promise to rise rapidly into a luxuriant forest. On the Markham plantation, the plants have only recently been planted and are necessarily small; 205 additional acres have also been cleared and are in a forward state of preparation for planting, the earth-work of the roads and bridges completed, though here and there interrupted by rocks which are being removed; the propagating house on this plantation has been extended, and affords sufficient space for 20,000 cuttings.

Wood plantation at Pykara works made less progress.

165 acres more or less prepared.
8 acres only planted.

44. On the Wood plantation at Pykara, the work has not made such satisfactory progress, owing to the difficulty in obtaining an efficient Assistant. Here, however, 165 acres of land have been more or less prepared, of which 8 acres only have been planted. The permanent buildings finished, and comfortable lines for coolies erected.

Dodabetta plantations, 95 acres planted.
And commenced on 60 additional acres
Total extent of 500 acres enclosed by a trench.

45. On the Dodabetta plantations, the work has progressed satisfactorily, 95 acres being planted and 60 additional acres in progress, here upwards of 500 acres have been enclosed with a trench, and 11,000 yards of road cut intersecting this extent of land, the object in cutting these roads prior to planting being to facilitate the removal of the firewood and thus increase its market value. The wood has realized Rs. 5.050. and paid to the credit of the Forest Department.

New plantation on Koondahs.
160 acres felled
75 lopped and burned.
Temporary buildings finished.

46. In opening the new plantation on the Koondahs, great difficulty has been experienced in pushing forward the operations, owing to the want of roads; here 160 acres have been felled, of this 75 acres have been lopped and burned, and is at present in course of preparation for planting; cooly lines and other temporary buildings have been completed, and a contract entered into for making the road, I therefore trust shortly to be able to procure sufficient labor to complete the permanent buildings.

Botanical Gardens

Improvements effected

47 In the Botanical Gardens the prevailing scarcity of labor has been much felt, especially towards the end of the year, notwithstanding considerable improvement has lately been effected. Between the upper and lower gardens an ornamental piece of water has been formed enclosed by a revetment wall raised so as to form a parapet to the adjoining terrace, this terrace is in the form of a crescent, and is now being laid out into parterre, with a band-stand in the centre and three fountains on each side. In the upper portion of the garden three fountains have been erected and are working well, here also parterres and ornamental vases have been introduced, and the whole made as attractive as possible by planting with choicest flowers and shrubs. In the lower garden a labyrinth has been formed on the

plan of that at Hamton Court, the hedges of Rose floire de Rosamere and Blairü, here also an ornamental piece of water has been added; in this portion of the garden plants suffer much from the attacks of the grubs of the cockchafee, rendering it difficult to secure that luxuriance of vegetation which prevails in the upper garden.

Plants introduced.

48. During the year many valuable plants have been added to our collection. To His Excellency Sir William Denison, Governor of Madras, we are indebted for the very valuable Araucarias Bidnellii and Cookii, the beautiful Clianthus Dampierü, the twelve varieties of Australian grapes, and numerous seeds of valuable timber trees as Encalypti, Acacias, &c., and to Mr. Lascelles for the Cupressus Macrocarpa, Dammara Brownii, and a few species of unnamed Japan Conifera. From Dr. Anderson, of the Calcutta Botanical gardens, Podocarpus longifolia; to Messrs. E. B. Thomas and E. Thomas for a collection of European fruit trees and shrubs; to Mr. J. D. Sim for Amherstia Nobilis Stigmaphyllon Ciliatum, Meyenia erecta, and the white variety of Lagestriemia Indica; to Major Hutton for four fine varieties of Fuchsia and a few British forest trees; to Mrs. Arbuthnot for numerous ornamental plants, and to Dr. Birdwood, of Bombay, for Strelitzia Augustifolia.

Distribution.

The following table exhibits the distribution of garden plants, seeds, &c., for 1863-64 :—

Months.	Fruit trees and shrubs.	Timber trees.	Shrubs and flowers.	Collections of seeds.	Amount.
1863.					Rs. A. P.
May ...	...	74	...	19	186 4 0
June ...	53	10	38	17	139 0 0
July ...	77	56	138	23	248 1 0
August ...	86	33	58	33	246 1 6
September ...	44	47	134	34	217 15 6
October ...	168	5	250	15	288 3 6
November ...	6	22	202	17	138 4 0
December ...	.....	122	165	12	117 0 0
1864.					
January ...	.....	.....	.....	1	1 14 0
February ...	.....	.....	3	2	3 10 0
March ...	.....	...	9	11	45 14 0
April ...	50	245	343	2	152 2 0
Total Distribution...	484	614	1,340	186	1,784 5 6

Concluding remarks.

49. From the above observations, it will be observed that during the past official year, we have made great progress, still the scarcity of labor has been severely felt, rendering it difficult to perform the different operations at the proper seasons. In conclusion, I beg to tender my grateful acknowledgments to His Excellency Sir William Denison, Governor of Madras, for the liberality with which he has met every suggestion tending to facilitate the progress of this important undertaking. To Mr. Markham, of the India House, my best thanks are due for much valuable assistance, and the deep interest he has evinced in the progress of the Cinchona plantations, also to Mr. Howard, for the very important information he has so liberally furnished on the formation of alkaloid in the bark.

OOTACAMUND,
7th July 1864.

(Signed) G. W. McIVOR,
Supdt. Govt. Cinchona Plantations.

A.

Estimated cost of each Cinchona Plantation from commencement of operations to 30th April 1864.

Particulars.	Operations preparatory to receipt of plants.	Superintendent and Writer Establishment.			Nursery Department.			Dodabetta Plantations.			Neddivuttum Plantations.			Pykara Plantations.		Malah Koondah Plantations.	For the Plantations of 1864-65.	Total.
	1860-61.	1861-62.	1862-63.	1863-64.	1861-62.	1862-63.	1863-64.	1861-62.	1862-63.	1863-64.	1861-62.	1862-63.	1863-64.	1862-63.	1863-64.	1863-64.	1864-55.	
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Grant for the preparation of sites...	2,000	...	...	...	...	4,305	...	...	...	...	.....	.....	.....	...	.....	.....	.....	2,000
Establishments	.....	4,200	5,350	5,880	3,324	...	4,609	2,280	5,400	5,700	5,064	8,412	15,348	...	4,033	.....	.....	73,905
Buildings	.....	...	...	...	1,200	...	...	560	...	...	2,080	.....	.....	1,530	.....	.....	4,000	18,445
Tool and Store-rooms ...	.....	...	...	...	2,000	...	...	...	250	...	250	.....	.....	2,000	.....	125	.....	
Coolies' quarters... ...	.....	...	...	...	...	...	...	200	500	...	1,000	1,000	.....	250	.....	500	2,250	
Felling	.....	...	...	...	...	...	...	400	1,500	...	1,500	3,000	.....	1,000	.....	6,150	.....	
Clearing	.....	...	...	...	...	...	...	280	1,500	...	1,500	3,000	.....	1,500	.....	.....	.....	
Pitting	.....	...	...	...	...	...	...	400	1,500	...	2,000	3,000	.....	...	.....	.....	.....	48,930
Carriage of plants ...	.....	...	...	...	...	...	...	150	...	...	450	450	.....	...	.....	.....	.....	
Planting and Shading ...	.....	...	...	...	...	...	...	200	500	...	550	550	.....	...	1,300	.....	.....	
Trenching	.....	...	...	...	...	...	...	1,800	...	...	4,000	.....	.....	...	8,000	.....	.....	
Enclosing	.....	...	...	...	756	...	...	...	5,850	...	3,900	.....	.....	...	750	375	.....	11,631
Road-making	.....	...	...	...	...	...	...	...	2,025	...	1,520	.....	.....	...	1,350	675	.....	5,570
Tools	.....	...	...	...	...	...	...	...	1,200	...	1,282	.....	.....	...	1,282	641	.....	4,405
Contingencies	.....	...	...	...	196	...	...	399	1,200	...	2,003	1,831	.....	...	2,046	846	.....	8,521
Total ...	2,000	4,200	5,350	5,880	7,476	4,305	4,609	6,660	21,425	5,700	27,099	21,243	15,348	7,780	18,761	9,312	6,250	1,73,407

OOTACAMUND,
7th July 1864.

(Signed) W. G. McIVOR,
Supdt., Govt. Cinchona Plantations.

Actual expenditure on each Cinchona Plantation from commencement of operations to 30th April 1864.

Particulars.	Operations preparatory to receipt of plants.	Superintendent and Office Establishment.			Propagation and Nursery Departments.			Dodabetta Plantations			Nuddivuttum Plantations.			Pykara Plantations.		Malah-Koondah Plantations.	Total.
	1860-61	1861-62.	1862-63.	1863-64.	1861-62.	1862-63	1863-64	1861-62.	1862-63.	1863-64.	1861-62.	1862-63	1863-64	1862-63	1863-64.	1863-64.	
	Rs. A. P.	Rs.	Rs.	Rs.	Rs. A. P.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs. A. P.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs. A. P.
Establishment ...	114 2 3	4,347	5,343	6,437	2,024 11 6	3,329	3,440	1,481	2,274	2,605	2,910 0 0	6,195	5,874	...	1,608	...	47,981 13 9
Buildings	...	...	...	...	2,647 0 0	3,578	3,000	865	...	...	1,560 0 0	...	1,000	1,683	...	350	
Tool and Store-rooms ...	...	...	...	...	...	...	...	...	...	230	...	350	500	275	...	...	21,188 0 0
Coolies' quarters ...	...	...	...	...	...	...	...	...	250	500	...	1,750	1,000	1,100	550	...	
Felling	302 5 3	...	...	...	...	...	...	448	750	500	1,780 7 3	1,500	2,200	1,500	2,000	2,400	
Clearing	...	...	...	...	...	...	...	400	750	400	...	1,500	2,200	1,125	2,000	1,125	
Pitting	...	...	...	...	...	...	...	848	750	1,010	1,680 7 3	858	2,000	...	1,000	...	42,687 7 2
Carriage of plants ...	...	...	...	...	...	...	...	245	200	140	540 1 9	900	750	...	65	..	
Planting and shading ...	...	...	...	...	...	...	...	355	450	560	640 1 8	900	898	...	65	...	
Trenching	...	...	...	...	...	...	...	...	...	1,200	...	1,972	1,780	...	...	...	
Enclosing	...	...	...	...	...	...	...	...	2,800	...	...	1,550	900	...	679	...	5,929 0 0
Road-making ...	300 0 0	...	...	...	...	...	...	600	700	2,070	1,100 0 0	1,000	2,000	...	1,500	502	9,772 0 0
Tools	271 0 0	...	...	...	...	...		394	304	600	700 0 0	400	860	...	1,500	...	5,029 0 0
Contingencies ...	67 0 0	...	...	...	...	...	...	124	460	500	340 0 0	915	850	...	400	100	3,756 0 0
Total ...	1,054 7 6	4,347	5,343	6,437	4,671 11 6	6,907	6,440	5,760	9,688	10,315	11,351 1 11	19,790	22,812	5,683	11,367	4,477	1,36,343 4 11

OOTACAMUND,
7th July 1864.

(Signed) W. G. McIVOR,
Supdt., Govt. Cinchona Plantations.

B.

Meteorological observations from 1st May 1863, to 30th April 1864, made on the Government Cinchona Plantations at Neddivuttum.

Months.		Mean monthly temperature.	Mean daily range.	Maximum observed during the month.	Rain-fall in inches.	Days without rain.	Days with rain.
1863.	July ...	62°·5	12°·6	76°	15·46	5	26
	August ...	64°·6	16°·3	74°	23·77	9	22
	September ...	66°·5	15°·6	80°	5·59	9	21
	October ...	66°·0	17°·3	82°	10·47	14	17
	November ...	70°·0	23°·0	89°	0·50	26	4
	December ...	80°·4	27°·0	92°	1·95	26	5
1864.	January ...	65°·7	28°·0	85°	0·52	30	1
	February ...	69°·6	28°·0	87°	.....	29	0
	March ...	72°·1	29°·4	90°	0·38	29	2
	April ...	71°·4	22°·5	99°	2·80½	18	12
	Annual ...	68°·8	21°·9	84°·5	61·44½	196	110

The readings in this Table are high in consequence of the sun occasionally striking on the board upon which the Thermometers are placed.

OOTACAMUND, 7th July 1864.

(Signed) G. W. McIVOR,
Supdt., Govt. Cinchona Plantations.

C.

Meteorological observations from 1st May 1863, to 30th April 1864, made at the Government Gardens, Ootacamund.

Months.		Monthly mean of dry bulb thermometer.	Monthly mean of wet bulb thermometer.	Due point of monthly means.	Maximum observed during the month.	Greatest daily range.	Rain-fall.	Days without rain.	Days with rain.
1863.	May ...	62°·5	60°8	59°	78°	23°	5·98	13	18
	June ..	58°·7	58·0	58	73	18	3·99	14	16
	July ...	57°·8	56·7	56	72	18	1·49	16	15
	August ...	59°·1	58·5	56	71	17	3·58	16	15
	September ...	58°·9	57·6	56	72	24	2·16	14	16
	October ...	58°·1	*57·1	56	72	23	8·45	14	17*
	November ...	56°·4	54·8	53	70	22	1·86	22	8
	December ...	56°·3	53·2	51	71	26	2·38	24	7
1864.	January ...	55°·0	51·0	47	73	31	.....	31	0
	February ...	58°·0	52·0	48	76	28	.....	29	0
	March ...	62°·0	55·0	50	80	30	0·8	30	1
	April ...	59°·0	57·0	56	77	26	8·18	13	17
		Mean	Mean	Mean	Mean	Mean	Total	Total	Total
	Annual ...	58°·5	55·9	53·8	73·7	23·8	38·17	236	130

South-west monsoon commenced on the 31st of May 1863.

* On the 26th of October 1863, and two following days, rain most excessive and gauge overflowed, a calculation from a quarter of an hour's reading on the morning of the 20th, gave 4 inches, 56 cents., as the rain of the preceding night which was probably below the correct amount. This amount is omitted in the monthly total.

OOTACAMUND, 7th July 1864.

(Signed) W. G. McIVOR,
Supdt., Govt. Cinchona Plantations.

Order thereon, 9th February 1865, No. 273.

1. The Governor in Council considers the foregoing report of the progress of the Cinchona plantations during the official year 1863-64, to be extremely satisfactory. The season was an unusually trying one, the drought being so long continued that it became necessary to resort to watering by the hand, yet the plants made good progress.

2. The propagation has been more successful than in previous years, the monthly average having been 15,326 plants, and the maximum, in February 1864, 32,408. The total number of plants produced up to the 31st May 1864 has been 416,909, of which 31,662 have been distributed to the public.

3. The extent actually planted out in the different Government plantations is stated to be 323 acres.

4. The first plants were permanently planted out at Neddivuttum in August 1862, and have, in the twenty months which have since elapsed, "attained heights varying from six to nine feet, with thick stems, well furnished with lateral branches, and presenting as robust and healthy an appearance as could be wished." This growth is said to be about three inches in excess of the average of the same species (C. Succirubra) throughout the plantations.

5. The results of the year's analysis of the bark is also highly encouraging, the yield of rough alkaloids having been six per cent., while in the previous year it was only 4·8.

6. There can no longer be room for doubt as to the successful introduction of the Cinchona on the Neilgherries, and the extraordinary success which has attended its culture, whether regard be had to extensive propagation, rapid and healthy growth, or the rich production of alkaloids.

7. For these results the Government are indebted to Mr. McIvor, whose able and zealous exertions in this important enterprize merit the highest praise.

8. The total expenditure up to the 30th April 1864 has amounted to Rupees 1,36,343, under the following heads:—

	Rs.
Buildings	21,188
Plantations	58,388
Tools	5,029
Establishment	47,952
Contingencies	3,756

9. The progress of the different plantations appears to be as follows:—

At Neddivuttum 220 acres have been planted out, with roads, drains, &c., completed; 205 acres are in a forward state of preparation for planting, and the earth-work of the roads and bridges completed. The propagating house has been extended, and affords space for 20,000 cuttings.

At Pykara 8 acres have been planted out; and 165 more or less prepared; the permanent buildings and cooly lines have been finished.

At Dodabetta 95 acres have been planted; 60 acres are in progress; 500 acres have been enclosed with a trench; and 11,000 yards of road cut.

At the Koondahs (sanctioned only in December 1863) 75 acres have been lopped and burned, and are in course of preparation for planting; 85 acres have been felled; and cooly lines and temporary buildings erected.

A range of hardening pits, affording shelter for 75,000 plants, has been added to the propagating houses, and there are thus ample means for producing from 20,000 to 30,000 plants monthly. Extensive nurseries have also been formed on the different plantations.

10. This is a very satisfactory state of affairs.

11. The failure of the seeds of C. Pitayœnsis is much to be regretted, and will be brought to the notice of the Home Government, that efforts may be made to procure a further supply.

Paragraphs 9 to 13.
Do. 24 to 38.

12. The pargraphs marginally noted contain much valuable information as to the culture, &c., of the Cinchona, and will be separately printed uniformly with the Manual to which they will be added.

13. The Government have already issued orders for the preparation of a list of reserved lands, so that intending planters may have the means of readily ascertaining what lands are, and are not, available. The impression, which is said to prevail, that no more forest land will be sold, is altogether without foundation; the extreme difficulty of obtaining competent Surveyors and the necessity, which the Law imposes, of advertising all lots for three months, necessarily cause delay in the transfer of land; but the Government are not aware of applications having been refused, on the plea of the land being reserved, so frequently as to afford ground for the impression stated. The Collector will report how many cases of refusal on this account have occurred during the last year. In order to avoid delay, the Government, it may be remarked, now allow lands to be sold prior to actual survey, on condition of the boundaries being carefully and permanently marked, and the purchase being subject to adjustment on the survey.

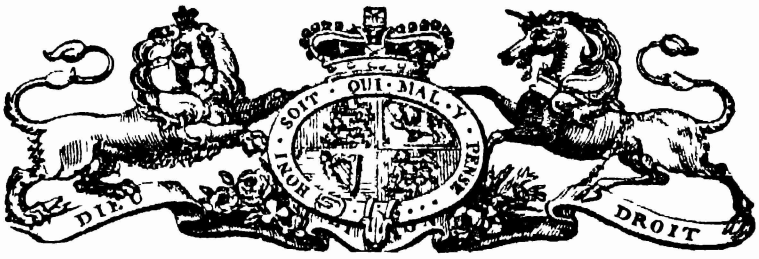
14. The Government do not deem it necessary here to discuss the subject of paragraphs 17 to 23 of Mr. McIvor's report. They will merely observe that Mr. McIvor's views are not those in general acceptation.

15. Mr. McIvor's account of the Botanical gardens is highly satisfactory. The Government consider it desirable that he should now prepare for publication a catalogue of the different trees, shrubs, &c., in the gardens.

16. In future reports the progress of the Tea plantation and nurseries of Australian trees should be specially noticed. The Government wish attention paid to the latter, and will continue to supply Mr. McIvor with seeds from Australia. Tha plants when grown can be sold to the public at a fair price, and furnished to the Forest Department for the Government Sholas. The commoner kinds of Australian trees, as the Acacia Melanoxylon, need not of course be raised by Mr. McIvor.

17. The Government note with satisfaction the testimony borne by Mr. McIvor to the services of Mr. Batcock, Lieutenant Nichol, Mr. Smith, and Overseers Burrows, Ramsay, and Wilkinson, and of his Office Assistants Narrainsawmy Naidoo and Mr. McNair.

No. 15.



The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, APRIL 15, 1865.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 7th April 1865, and is hereby promulgated for general information :—

Act No. XIV of 1865.

An Act to define the jurisdiction of the Courts of Civil Judicature in the Central Provinces.

Whereas it is expedient to define the jurisdiction of the Courts of Civil Judicature in the Central Provinces : It is enacted as follows :—

Short title.

1. This Act shall be called "The Central Provinces Courts' Act, 1865."

2. In this Act—

Interpretation Clause. "Assistant Commissioner."

"Assistant Commissioner" includes Extra Assistant Commissioner.

"District." "District Court." "Divisional Court."

3 For the purposes of this Act the local jurisdiction of a Deputy Commissioner shall be deemed a District, and the Court of such Deputy Commissioner shall be deemed the District Court. The local jurisdiction of a Commissioner shall, in like manner, be deemed a Division, and his Court a Divisional Court.

Grades of Courts in the Central Provinces.

4. There shall be eight grades of Courts in the Central Provinces, which shall be in addition to any Courts of Small Causes, and to any other Courts established under any Act which may hereafter be passed, namely :—

(1). The Court of the Tahsildar of the second class.

(2). The Court of the Tahsildar of the first class.

(3). The Court of the Assistant Commissioner of the third class.

(4). The Court of the Assistant Commissioner of the second class.

(5). The Court of the Assistant Commissioner of the first class.

(6). The Court of the Deputy Commissioner

(7). The Court of the Commissioner.

(8). The Court of the Judicial Commissioner.

Chief Commissioner may declare grade to which a Tahsildar or Assistant Commissioner belongs.

5. Subject to any orders that may from time to time be issued by the Local Government, the Chief Commissioner shall have power to declare to which of the said grades any Tahsildar and any Assistant Commissioner shall belong.

Chief Commissioner may give Naib Tahsildars jurisdiction up to Fifty Rupees.

6. The Chief Commissioner may, with the sanction of the Local Government, invest any Naib Tahsildar with power to try and determine suits for money due, whether on bond or other contract, or for rent, or for personal property or for the value of such property, or for damages, when the debt, damage, or demand does not exceed in amount or value the sum of fifty Rupees, and to prescribe the local limits within which the Naib Tahsildar so invested shall exercise such power.

Jurisdiction of Court of Tahsildar of the second class.

7. The Court of the Tahsildar of the second class shall have power to try and determine suits of every description not exceeding one hundred Rupees in value or amount.

Jurisdiction of Court of Tahsildar of the first class.

8. The Court of the Tahsildar of the first class shall have power to try and determine suits of every description not exceeding three hundred Rupees in value or amount.

Jurisdiction of Court of Assistant Commissioner of the third class.

9. The Court of the Assistant Commissioner of the third class shall have power to try and determine suits of every description not exceeding five hundred Rupees in value or amount.

Jurisdiction of Court of Assistant Commissioner of the second class.

10. The Court of the Assistant Commissioner of the second class shall have power to try and determine suits of every description not exceeding one thousand Rupees in value or amount.

Jurisdiction of Court of Assistant Commissioner of the first class.

11. The Court of the Assistant Commissioner of the first class shall have power to try and determine suits of every description not exceeding five thousand Rupees in value or amount.

Jurisdiction of Court of Deputy Commissioner.

12. The Court of the Deputy Commissioner shall have power to try and determine suits of every description and of any amount, and to hear appeals from the original decisions in suits and (where an appeal is allowed by the Code of Civil Procedure) from the orders of the Courts of the first, second, third, and fourth grades respectively and of Naib Tahsildars invested as aforesaid.

Jurisdiction of Court of Commissioner.

13. The Court of the Commissioner shall have power to hear and determine appeals from the original decisions in suits and (where an appeal is allowed by the Code of Civil Procedure) from the orders of the Courts of the fifth and sixth grades.

Jurisdiction of Court of Judicial Commissioner.

14. The Court of the Judicial Commissioner shall have power to hear and determine appeals from the original decisions in suits and (where an appeal is allowed by the Code of Civil Procedure) from the orders of the Commissioners, and also applications for a special appeal as provided in the said Code from the decisions passed in regular appeal by the Deputy Commissioners and by the Commissioners of Divisions.

Time for presenting appeals.

15. The memorandum of regular appeal prepared in the form, and containing the particulars, mentioned in the Code of Civil Procedure, shall be presented in the Court empowered to hear the appeal within the period hereinafter specified, unless the appellant shall show sufficient cause to the satisfaction of such Court for not having presented the memorandum of appeal within such period, that is to say, thirty days if the appeal lie to the Deputy Commissioner; six weeks if the appeal lie to the Commissioner of a Division, and ninety days if the appeal lie to the Judicial Commissioner. The period shall be reckoned from and exclusive of the day on which the decision or order appealed against was passed, and also exclusive of such time as may be requisite for obtaining a copy of the decree or order from which the appeal is made. Applications for special appeal shall be presented in the Court of the Judicial Commissioner within the period hereinbefore fixed for regular appeals.

Local Government may invest any one with powers of Commissioner, or of Deputy Commissioner.

16. Whenever the state of the public business requires it, the Local Government shall have power to invest any person with the powers of a Commissioner or of a Deputy Commissioner in any part of the Central Provinces.

Court in which suit shall be instituted.

17. Every suit shall be instituted in the Court of the lowest grade competent to try it: Provided that no suit cognizable by a Court of Small Causes shall be heard or determined in any other Court having any jurisdiction within the local limits of the jurisdiction of such Court of Small Causes.

Appeal to lie from all decisions except when expressly prohibited.

18. Except when otherwise provided in any Regulation or Act for the time being in force, an appeal shall lie from the decisions of the Courts of original jurisdiction to the Courts authorized by this Act to hear appeals from the decisions of those Courts.

Deputy Commissioner may distribute business among subordinate Courts.

19. The Deputy Commissioner may direct the business in the Courts subordinate to him, holding their sittings at the same place, to be distributed among such Courts in such way as he shall think fit: Provided that no Court shall try any suit in which the amount or value of the claim shall exceed its proper jurisdiction.

Transfer of suits from subordinate Court to Commissioner's or Deputy Commissioner's Court.

20. The Commissioner of the Division or the Deputy Commissioner may withdraw any suit instituted in any Court subordinate to him, and try such suit himself or refer it for trial to any other such subordinate Court and competent in respect of the value or amount of the suit to try the same. The Commissioner of the Division may also withdraw any appeal instituted in the Court of any Deputy Commissioner subordinate to him and try the appeal himself or refer it for trial to the Court of any other Deputy Commissioner in his Division.

Judicial Commissioner may transfer suits from one subordinate Court to another.

21. The Judicial Commissioner may order that the cognizance of any suit or appeal which shall be instituted in any Court subordinate to him not being a Court of Small Causes shall be transferred to any other such subordinate Court, competent in respect of the value of the subject-matter of the suit or appeal to try the same.

Suits for immovable property situate in different Districts.

22. If the suit be for any immovable property situate within the limits of different District Courts within the same Division, the suit may be brought in any Court otherwise competent to try it within the jurisdiction of which any portion of such property is situate, but in such case the Court in which the suit is brought shall apply to the Commissioner of the Division for authority to proceed with the suit; and such Commissioner after hearing the objections, if any, of the defendant, may give such authority. If the suit is brought in any Court subordinate to the Court of the Deputy Commissioner, the application shall be submitted to the Commissioner of the Division through the Deputy Commissioner to whom such Court is subordinate.

Suits for immovable property situate in Districts subject to different Commissioners.

23. If the District Courts within the limits of whose jurisdiction the immovable property is situate are subordinate to different Commissioners, the application shall be submitted to the Commissioner of the Division to whom the

District Court in which the suit is brought is subordinate, and the Commissioner to whom such application is made may, after hearing the objections, if any, of the defendant, give authority to proceed with the suit.

Commencement of Act.

24. This Act shall commence and come into operation on the first day of May 1865.

Act may be extended to Oudh.

25. The Governor General of India in Council may, by an order to be published in the Official Gazette, extend the provisions of this Act to the Province of Oude, but not so as in any way to affect the provisions of Act XVI of 1865, (*to remove doubts as to the jurisdiction of the Revenue Courts in the Province of Oudh in suits relating to land, and to enlarge the period of limitation in such suits*). On and after such extension, the Civil Judge of Lucknow shall be considered a Deputy Commissioner, and the Assistant Judge of Lucknow an Assistant of the third class, within the meaning of this Act. Appeals from the decisions and orders of the Civil Judge of Lucknow, when allowed by the Code of Civil Procedure or any other law, shall lie as at present to the Court of the Judicial Commissioner.

WHITLEY STOKES,

Offg. Asst. Secy. to the Govt. of India,

Home Dept. (Legislative.)

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 7th April 1865, and is hereby promulgated for general information :—

Act No. XV of 1865.

An Act to define and amend the law relating to Marriage and Divorce among the Parsees.

Preamble.

Whereas the Parsee Community has represented the necessity of defining and amending the law relating to Marriage and Divorce among Parsees; And whereas it is expedient that such law should be made conformable to the customs of the said community; It is enacted as follows :—

I.—*Preliminary.*

Short title.

1. This Act may be cited as "The Parsee Marriage and Divorce Act, 1865."

Interpretation clause.

2. In this Act, unless there be something repugnant in the subject or context—

Number.

Words in the singular number include the plural, and words in the plural number include the singular.

"Priest."

"Priest" means a Parsee Priest and includes Dastúr and Mobed.

"Marriage."

"Marriage" means a marriage between Parsees whether contracted before or after the commencement of this Act; and "Husband" and "Wife" respectively mean a Parsee husband and a Parsee wife.

"Husband" and "Wife."

"Section."

"Section" means a Section of this Act.

"Chief Justice."

"Chief Justice" includes Senior Judge.

"Court."

"Court" means a Court constituted under this Act.

"British India."

"British India" means the Territories which are or shall be vested in Her Majesty or her successors by the Statute 21 and 22 Vic., cap. 106, entitled "An Act for the better Government of India."

"Local Government."

And, in any part of British India in which this Act operates, "Local Government" means the person authorized to administer Executive Government in such part of India, or the Chief Executive Officer of such part when it is under the immediate administration of the Governor General of India in Council, and when such Officer shall be authorized to exercise the powers vested by this Act in a Local Government; and "High Court" means the highest Civil Court of appeal in such part.

"High Court."

II.—*Of Marriages between Parsees.*

Requisites to validity of Parsee marriages.

3. No marriage contracted after the commencement of this Act shall be valid, if the contracting parties are related to each other in any of the degrees of consanguinity or affinity prohibited among Parsees and set forth in a Table which the Governor General of India in Council shall, after due enquiry, publish in the *Gazette of India*, and unless such marriage shall be solemnized according to the Parsee form or ceremony called "Asírvád" by a Parsee Priest in the presence of two Parsee witnesses independently of such officiating Priest; and unless, in the case of any Parsee who shall not have completed the age of twenty-one years, the consent of his or her father or guardian shall have been previously given to such marriage.

Re-marriage save after divorce unlawful during life-time of first wife or husband.

4. No Parsee shall, after the commencement of this Act, contract any marriage in the life-time of his or her wife or husband, except after his or her lawful divorce from such wife or husband, by sentence of a Court as hereinafter provided; and every marriage contracted contrary to the provisions of this Section shall be void.

Punishment of bigamy.

5. Every Parsee who shall, after the commencement of this Act and during the life-time of his or her wife or husband, contract any marriage without having been lawfully divorce-

ed from such wife or husband, shall be subject to the penalties provided in Sections four hundred and ninety-four and four hundred and ninety-five of the Indian Penal Code for the offence of marrying again during the life-time of a husband or wife.

Certificate and registry of marriages.

6. Every marriage contracted after the commencement of this Act shall, immediately on the solemnization thereof, be certified by the officiating Priest in the form contained in the Schedule to this Act. The certificate shall be signed by the said Priest, the contracting parties, or their fathers or guardians when they shall not have completed the age of twenty-one years, and two witnesses present at the marriage; and the said Priest shall thereupon send such certificate together with a fee of two Rupees to be paid by the husband to the Registrar of the place at which such marriage is solemnized. The Registrar on receipt of the certificate and fee shall enter the certificate in a register to be kept by him for that purpose, and shall be entitled to retain the fee.

Appointment of Registrar.

7. For the purposes of this Act a Registrar shall be appointed, who may be the Registrar appointed under Act XVI of 1864 *(to provide for the Registration of Assurances)*. Within the local limits of the ordinary original Civil jurisdiction of a High Court, the Registrar shall be appointed by the Chief Justice of such Court, and, without such limits, by the Local Government. Every Registrar so appointed may be removed by the Chief Justice or Local Government appointing him.

Marriage register to be open for public inspection.

8. The Register of Marriages mentioned in the sixth Section shall, at all reasonable times, be open for inspection; and certified extracts therefrom shall, on application, be given by the Registrar on payment to him by the applicant of two Rupees for each such extract. Every such register shall be evidence of the truth of the statements therein contained.

Penalty for solemnizing marriage contrary to Section 4.

9. Any Priest knowingly and wilfully solemnizing any marriage contrary to and in violation of the fourth Section shall, on conviction thereof, be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to two hundred Rupees, or with both.

Penalty for Priest's neglect of requirements of Section 6.

10. Any Priest neglecting to comply with any of the requisitions affecting him contained in the sixth Section shall, on conviction thereof, be punished for every such offence with simple imprisonment for a term which may extend to three months, or with fine which may extend to one hundred Rupees, or with both.

Penalty for omitting to subscribe and attest the certificate.

11. Every other person required by the sixth Section to subscribe or attest the said certificate who shall wilfully omit or neglect so to do, shall, on conviction thereof, be punished for every such offence with a fine not exceeding one hundred Rupees.

Penalty for making, &c., false certificate.

12. Every person making, or signing, or attesting any such certificate containing a statement which is false, and which he either knows or believes to be false, or does not know to be true, shall be deemed to be guilty of the offence of forgery as defined in the Indian Penal Code, and shall be liable, on conviction thereof, to the penalties provided in Section four hundred and sixty-six of the said Code.

Penalty for failing to register certificate.

13. Any Registrar failing to enter the said certificate pursuant to the sixth Section shall be punished with simple imprisonment for a term which may extend to one year, or with fine which may extend to one thousand Rupees, or with both.

Penalty for secreting, destroying, or altering the register.

14. Any person secreting, destroying, or dishonestly or fraudulently altering the said register in any part thereof, shall be punished with imprisonment of either description as defined in the Indian Penal Code for a term which may extend to two years, or, if he be a Registrar, for a term which may extend to five years, and shall also be liable to fine which may extend to five hundred Rupees.

III.—*Of Parsee Matrimonial Courts.*

Constitution of special Courts under this Act.

15. For the purposes of hearing suits under this Act, a special Court shall be constituted in each of the Presidency Towns of Calcutta, Madras and Bombay, and in such other places in the Territories of the several local Governments as such Governments respectively shall think fit.

Parsee Chief Matrimonial Courts.

16. The Court so constituted in each of the Presidency Towns shall be entitled the Parsee Chief Matrimonial Court of Calcutta, Madras or Bombay, as the case may be. The local limits of the jurisdiction of a Parsee Chief Matrimonial Court shall be conterminous with the local limits of the ordinary original Civil jurisdiction of the High Court. The Chief Justice of the High Court, or such other Judge of the same Court as the Chief Justice shall from time to time appoint, shall be the Judge of such Matrimonial Court, and, in the trial of cases under this Act, he shall be aided by eleven Delegates.

Parsee District Matrimonial Courts.

17. Every Court so constituted at a place other than a Presidency Town shall be entitled the Parsee District Matrimonial Court of such place. Subject to the provisions contained in the next following Section, the local limits of the jurisdiction of such Court shall be conterminous with the limits of the District in which it is held. The Judge of the principal Court of original Civil jurisdiction at such place shall be the Judge of such Matrimonial Court, and, in the trial of cases under this Act, he shall be aided by seven Delegates.

Power to alter territorial jurisdiction of District Courts.

18. The Local Government may from time to time alter the local limits of the jurisdiction of any Parsee District Matrimonial Court, and may include within such limits any number of Districts under its government.

19. Any District which the Local Government, on account of the fewness of the Parsee inhabitants shall deem it inexpedient to include within the jurisdiction of any District Matrimonial Court, shall be included within the jurisdiction of the Parsee Chief Matrimonial Court for the Territories under such Local Government where there is such Court.

Certain Districts to be within the jurisdiction of the Chief Matrimonial Court.

20. A seal shall be made for every Court constituted under this Act, and all decrees and orders and copies of decrees and orders of such Court, shall be sealed with such seal which shall be kept in the custody of the presiding Judge.

Court Seal.

21. The Local Governments shall, in the Presidency Towns and Districts subject to their respective Governments, respectively appoint persons to be Delegates to aid in the adjudication of cases arising under this Act. The persons so appointed shall be Parsees: their names shall be published in the Official Gazette; and their number shall, within the local limits of the ordinary original Civil jurisdiction of a High Court, be not more than thirty, and in Districts beyond such limits not more than twenty.

Appointment of Delegates.

22. The appointment of a Delegate shall be for life. But whenever a Delegate shall die, or be desirous of relinquishing his office, or refuse or become incapable or unfit to act, or be convicted of an offence under the Indian Penal Code or other law for the time being in force, then and so often the local Government may appoint any other person being a Parsee to be a Delegate in his stead; and the name of the person so appointed shall be published in the Official Gazette.

Power to appoint new Delegates.

23. All Delegates appointed under this Act shall be considered to be public servants within the meaning of the Indian Penal Code.

Delegates to be deemed public servants.

24. The Delegates selected under the sixteenth and seventeenth Sections to aid in the adjudication of suits under this Act shall be taken under the orders of the presiding Judge of the Court in due rotation from the Delegates appointed by the Local Government under the twenty-first Section.

Selection of Delegates under Sections 16 and 17 to be from those appointed under Section 21.

25. All Advocates, Vakeels, and Attornies-at-law entitled to practise in a High Court shall be entitled to practise in any of the Courts constituted under this Act; and all Vakeels entitled to practise in a District Court shall be entitled to practise in any District Matrimonial Court constituted under this Act.

Practitioners in Matrimonial Courts.

26. All suits instituted under this Act shall be brought in the Court within the limits of whose jurisdiction the defendant resides at the time of the institution of the suit. When the defendant shall at such time have left British India, such suit shall be brought in the Court at the place where the plaintiff and defendant last resided together.

Court in which suits to be brought.

When defendant has left British India.

IV.—*Of Matrimonial Suits.*

(a). For a Decree of Nullity.

27. If a Parsee at the time of his or her marriage was a lunatic or of habitually unsound mind, such marriage may at the instance of his or her wife or husband be declared null and void upon proof that the lunacy or habitual unsoundness of mind existed at the time of the marriage and still continues. Provided that no suit shall be brought under this Section if the plaintiff shall at the time of the marriage have known that the respondent was a lunatic or of habitually unsound mind.

In case of lunacy or mental unsoundness.

28. In any case in which consummation of the marriage is from natural causes impossible, such marriage may, at the instance of either party thereto, be declared to be null and void.

In case of non-consummation owing to physical causes.

(b). For a Decree of Dissolution in case of Absence.

29. If a husband or wife shall have been continually absent from his or her wife or husband for the space of seven years, and shall not have been heard of as being alive within that time by those persons who would naturally have heard of him or her had he or she been alive, the marriage of such husband or wife may, at the instance of either party thereto, be dissolved.

In case of absence for seven years.

(c). For Divorce or Judicial Separation.

30. Any husband may sue that his marriage may be dissolved, and a divorce granted, on the ground that his wife has, since the celebration thereof, been guilty of adultery; and any wife may sue that her marriage may be dissolved, and a divorce granted, on the ground that, since the celebration thereof, her husband has been guilty of adultery with a married or fornication with an unmarried woman not being a prostitute, or of bigamy coupled with adultery, or of adultery coupled with cruelty, or of adultery coupled with wilful desertion for two years or upwards, or of rape, or of an unnatural offence. In every such suit for divorce on the ground of adultery the plaintiff shall, unless the Court shall otherwise order, make the person with whom the adultery is alleged to have been committed a co-defendant, and in any such suit by the husband the Court may order the adulterer to pay the whole or any part of the costs of the proceedings.

On the ground of the wife's adultery.

On the ground of the husband's adultery, &c.

31. If a husband treat his wife with such cruelty or personal violence as to render it in the judgment of the Court improper to compel her

Grounds of judicial separation.

to live with him, or if his conduct afford her reasonable grounds for apprehending danger to life or serious personal injury, or if a prostitute be openly brought into or allowed to remain in the place of abode of a wife by her own husband, she shall be entitled to demand a judicial separation.

Suits for divorce or judicial separation.

32. In a suit for divorce or judicial separation under this Act, if the Court be satisfied of the truth of the allegations contained in the plaint, and that the offence therein set forth has not been condoned, and that the husband and wife are not colluding together, and that the plaintiff has not connived at, or been accessory to the said offence, and that there has been no unnecessary or improper delay in instituting the suit, and that there is no other legal ground why relief should not be granted, then and in such case, but not otherwise, the Court shall decree a divorce or judicial separation accordingly.

Alimony *pendente lite*.

33. In any suit under this Act for divorce or judicial separation, if the wife shall not have an independent income sufficient for her support and the necessary expenses of the suit, the Court on the application of the wife, may order the husband to pay her monthly or weekly during the suit such sum not exceeding one-fifth of the husband's net income, as the Court, considering the circumstances of the parties, shall think reasonable.

Permanent alimony.

34. The Court may, if it shall think fit on any decree for divorce or judicial separation, order that the husband shall, to the satisfaction of the Court, secure to the wife such gross sum, or such monthly or periodical payments of money for a term not exceeding her life as, having regard to her own property (if any), her husband's ability and the conduct of the parties, shall be deemed just, and for that purpose may require a proper instrument to be executed by all necessary parties and suspend the pronouncing of its decree until such instrument shall have been duly executed. In case any such order shall not be obeyed by her husband, he shall be liable to damages at her suit, and further to be sued by any person supplying her with necessaries, during the time of such disobedience, for the price or value of such necessaries.

Payment of alimony to wife or to her trustee.

35. In all cases in which the Court shall make any decree or order for alimony, it may direct the same to be paid either to the wife herself, or to any trustee on her behalf to be approved by the Court, and may impose any terms or restrictions which to the Court may seem expedient, and may from time to time appoint a new trustee, if for any reason it shall appear to the Court expedient so to do.

(d). For Restitution of Conjugal Rights.

Suit for restitution of conjugal rights.

36. Where a husband shall have deserted or without lawful cause ceased to cohabit with his wife, or where a wife shall have deserted or without lawful cause ceased to cohabit with her husband, the party so deserted or with whom cohabitation shall have so ceased, may sue for the restitution of his or her conjugal rights, and the Court, if satisfied of the truth of the allegations contained in the plaint and that there is no just ground why relief should not be granted, may proceed to decree such restitution of conjugal rights accordingly. If such decree shall not be obeyed by the party against whom it is passed, he or she shall be liable to be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

No suit to be brought to enforce marriage or contract arising out of marriage when husband under sixteen years or wife under fourteen years.

37. Notwithstanding anything hereinbefore contained, no suit shall be brought in any Court to enforce any marriage between Parsees or any contract connected with or arising out of any such marriage, if, at date of the institution of the suit, the husband shall ont have completed the age of sixteen years, or the wife shall not have completed the age of fourteen years.

Suits may be heard with closed doors.

38. In every suit preferred under this Act, the case shall be tried with closed doors should such be the wish of either of the parties.

Stamps on plaints and petitions.

39. Every plaint and petition of appeal preferred under this Act shall bear a stamp of thirty-two Rupees, and all other instruments and writings of the kind specified as requiring a stamp in Schedule B to Act No. X of 1862 (*to consolidate and amend the Law relating to Stamp Duties*) and exhibited in a suit under this Act shall be stamped in accordance with the provisions of the said Act No. X of 1862.

Provisions of Civil Procedure Code to apply in suits under this Act.

40. The provisions of the Code of Civil Procedure shall, so far as the same may be applicable, apply to suits instituted under this Act.

Determination of questions of law and procedure, and of fact.

41. In suits under this Act all questions of law and procedure shall be determined by the presiding Judge; but the decision on the facts shall be the decision of the majority of the Delegates before whom the case is tried.

Appeal to High Court.

42. An appeal shall lie to the High Court from the decision of any Court established under this Act, whether a Chief Matrimonial Court or a District Matrimonial Court, on the ground of the decision being contrary to some law or usage having the force of law, or of a substantial error or defect in the procedure or investigation of the case which may have produced error or defect in the decision of the case upon the merits, and on no other ground: Provided that such appeal be instituted within three calendar months after the decision appealed from shall have been pronounced.

43. When the time hereby limited for appealing against any decree dissolving a marriage shall have expired and no appeal shall have been presented against such decree, or when any such appeal shall have been dismissed, or when in the result of any appeal any marriage shall be declared to be dissolved, but not sooner, it shall be lawful for the respective parties thereto to marry again, as if the prior marriage had been dissolved by death.

Liberty to parties to marry again.

V.—*Of the Children of the Parties.*

44. In any suit under this Act for obtaining a judicial separation or a decree of nullity of marriage, or for dissolving a marriage, the Court may from time to time pass such interim orders and make such provision in the final decree as it may deem just and proper, with respect to the custody, maintenance and education of the children under the age of sixteen years, the marriage of whose parents is the subject of such suit, and may, after the final decree, upon application by petition for this purpose, make from time to time all such orders and provisions with respect to the custody, maintenance and education of such children as might have been made by such final decree, or by interim orders in case the suit for obtaining such decree were still pending.

Custody of children *pendente lite.*

Orders as to custody of children after final decree.

45. In any case in which the Court shall pronounce a decree of divorce or judicial separation for adultery of the wife, if it shall be made to appear to the Court that the wife is entitled to any property either in possession or reversion, the Court may order such settlement as it shall think reasonable to be made of such property or any part thereof, for the benefit of the children of the marriage or any of them.

Settlement of wife's property for benefit of children.

VI.—*Of the Mode of enforcing Penalties under this Act.*

46. All offences under this Act may be tried by any Officer exercising the powers of a Magistrate unless the period of imprisonment to which the offender is liable shall exceed that which such Officer is competent to award under the law for the time being in force in the place in which he is employed. When the period of imprisonment provided by this Act exceeds the period that may be awarded by such Officer, the offender shall be committed for trial before the Court of Session.

Cognizance of offences under this Act.

47. If any offence which by this Act is declared to be punishable with fine, or with fine and imprisonment not exceeding six months, shall be committed by any person within the local limits of the ordinary original Civil jurisdiction of the High Court, such offence shall be punishable upon summary conviction by any Magistrate of Police of the place at which such Court is held.

Punishment of offences under this Act committed within local limits of High Court.

48. All fines imposed under the authority of this Act may, in case of non-payment thereof, be levied by distress and sale of the offender's movable property by warrant under the hand of the Officer imposing the fine.

Levy of fines by distress.

49. In case any such fine shall not be forthwith paid, such Officer may order the offender to be arrested and kept in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such Officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress.

Procedure until return is made to distress warrant.

50. If upon the return of the warrant it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Officer, by the confession of the offender or otherwise, that he has not sufficient movable property whereupon such fine could be levied if a warrant of distress were issued, any such Officer may, by warrant under his hand, commit the offender to prison, for any term not exceeding two calendar months when the amount of fine shall not exceed fifty Rupees, and for any term not exceeding four calendar months when the amount shall not exceed one hundred Rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount of fine.

Imprisonment if no sufficient distress.

VII.—*Miscellaneous.*

51. Subject to the provisions contained or referred to in this Act, the High Court shall make such rules and regulations concerning the practice and procedure of the Parsee Chief and District Matrimonial Courts in the Presidency or Government in which such High Court shall be established, as it may from time to time consider expedient, and shall have full power from time to time to revoke or alter the same. All such rules, revocations and alterations shall be published in the Official Gazette.

Rules of procedure of Parsee Matrimonial Courts to be made by the High Court.

52. The Governor General of India in Council may invest the Chief Executive Officer of any part of British India, under the immediate administration of the Government of India with the powers vested by this Act in a Local Government.

Power to invest Chief Executive Officer with powers of Local Government.

53. This Act shall commence and take effect on the first day of September 1865, and shall extend to the whole of British India.

Commencement and extent of Act.

SCHEDULE.—(*See Section 6.*)

Date and place of Marriage	Names of the Husband and Wife	Condition at the time of Marriage	Rank or Profession	Age	Residence	Names of the Fathers or Guardians.	Rank or Profession.	Signature of the Officiating Priest.	Signatures of the Witnesses	Signature of father or guardian when husband or wife is an infant.

WHITLEY STOKES,
Offg Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 7th April 1865, and is hereby promulgated for general information:—

ACT No. XVI OF 1865.

An Act to remove doubts as to the jurisdiction of the Revenue Courts in the Province of Oude in suits relating to land, and to enlarge the period of limitation in such suits.

Preamble.

Whereas, before the introduction of the Code of Civil Procedure into the Province of Oude, the jurisdiction in suits relating to the title or succession to land in the said Province or to the possession of land, or to any right in respect of any land, was vested exclusively in the Courts of Revenue and in the Financial Commissioner, and after that office became vacant, in the Chief Commissioner; And whereas since the introduction of the said Code doubts have arisen whether such suits are cognizable in the first instance by the ordinary Civil Courts and on appeal by the Judicial Commissioner, or in the first instance by the Revenue Courts and on appeal by the Chief Commissioner, or Financial Commissioner whose office has now been revived; And whereas it is expedient to remove such doubts and to enlarge the period of limitation within which certain classes of suits may be entertained under this Act; It is enacted as follows:—

Interpretation Clause.

1. In the construction of this Act, except where there is something repugnant in the subject or context—

Number.

Words in the singular number shall include the plural, and words in the plural number shall include the singular.

"Courts of Revenue."

"Courts of Revenue" include Officers employed in making or revising Settlements.

"Land."

"Land" does not apply to any land excluded from a Settlement of Land Revenue, whether the Revenue be paid to Government or to the assignee of Government.

Suits and appeals relating to land during progress of Revenue Settlement to be cognizable by Courts of Revenue and Financial Commissioner.

2. In any District in the Province of Oude in which a Settlement of the Land Revenue is in progress, all suits of whatever description arising in such District relating solely to the title or succession to land, or to the possession of land, or to any right in respect of any land, shall, during the continuance of such Settlement, and for such further period thereafter as the Governor-General of India in Council, by notice to be published in the Official Gazette, may appoint, be cognizable in the first instance in the Courts of Revenue of the said Province, and in the last resort upon appeal by the Financial Commissioner. The Governor General of India in Council may invest any Officer with the powers of a Court of first appeal between the Court of first instance and the Financial Commissioner, and shall fix the periods within which appeals shall be preferred from the decision of the Court of first instance to the Court of first appeal, or, when there is no such Court, to the Financial Commissioner, and from the decisions of the Court of first appeal, when there is such Court, to the Financial Commissioner: Provided that where in a case of succession or inheritance the claim shall relate not only to land but to land and other property not permanently attached to the land comprised in the claim, neither the Revenue Courts nor the Financial Commissioner shall have jurisdiction under this Section.

Powers of Financial Commissioner as highest Court of appeal.

3. The Financial Commissioner shall, with respect to suits cognizable by the Revenue Courts under the second Section of this Act, be deemed the highest Court of appeal in the Province of Oude within the meaning of the Code of Civil Procedure, and shall have and exercise in respect of such suits all the powers vested in the Sudder Court and shall be subject to all the rules prescribed with reference to the Sudder Court by such Code, subject to the restrictions, limitations and provisos, with which the Code was extended to the said Province as contained in the declaration of the Governor-General in Council, bearing date the 6th August 1861. Subject to the same restrictions, limitations and provisos, the proceedings of the Courts of first appeal and the Courts of first instance shall be regulated by the Code of Civil Procedure.

Suits not to be instituted or tried by any other than the Court or authority before specified.

4. Subject to the proviso in the second Section of this Act, no suit relating to the title or succession to land in Oude, or to the possession of land, or to any right in respect of any land shall, during the period limited in the said Section, be instituted or tried in any Court or before any Authority, except in the Courts or before the Authorities hereinbefore in that behalf specified.

Limitation rules not to apply to certain suits relating to under-tenures.

5. No suit relating to any under-tenure which shall be cognizable in any Revenue Court under this Act shall be debarred from a hearing under the rules relating to the limitation of suits in force in the Province of Oude, if the cause of action shall have arisen on or after the thirteenth day of February 1844. Provided that this Section shall not apply to any suit by a person claiming only a right to cultivate as a tenant-at-will, or as a tenant with the right of occupancy, or as a tenant at fixed or favourable rates.

Certain suits relating to under-tenures dismissed on ground of limitation-bar may be revived.

6. Any suit or appeal relating to any under-tenure (not being a suit within the proviso contained in the last preceding Section) cognizable under this Act by any Revenue Court, which may have been rejected or dismissed on the ground that the suit was barred by lapse of time under the law of limitation in force in the Province of Oude, may be revived and heard on the merits, if the cause of action shall have arisen on or after the date mentioned in the last preceding Section: Provided that a petition for the revival of the appeal or suit be presented in the Court of the Financial Commissioner if the rejection or dismissal took place in appeal, or in the Court of first instance if the rejection or dismissal took place in that Court, within six calendar months from the date of the passing of this Act. The petition may be written on paper bearing the stamp required for petitions presented to the Financial Commissioner or subordinate Revenue Court, as the case may be.

Procedure applicable to suits relating to land instituted after period mentioned in Section 2.

7. All suits relating to the proprietary right in, succession to or possession of, any land, or to any right in respect to any land, which shall be instituted after the expiration of the period appointed in the second Section of this Act, shall be heard and determined in the Civil Courts of the Province of Oude according to their respective jurisdictions, under and subject to all the rules contained in the Code of Civil Procedure as the same shall have been extended to such Province, and not otherwise.

Saving of orders and decisions of Revenue Courts after the extension of Code of Civil Procedure to Oude.

8. No order or decision made or passed by any Revenue Court in Oude subsequently to the extension of the Code of Civil Procedure to the Province and before the passing of this Act, in any suit relating to the proprietary right in, succession to or possession of, any land, or to any right in respect of any land in the said Province, shall be invalid by reason of anything contained in the said Code.

WHITLEY STOKES,

Offg. Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 12th April 1865, and is hereby promulgated for general information :—

Act No XVII of 1865.

An Act to amend certain Acts relating to the duties of Customs on goods imported and exported by Sea.

Preamble.

Whereas it is expedient to amend the Law relating to Customs duties; It is enacted as follows :—

Customs Duties to be levied as prescribed in the Schedules annexed to this Act.

1. In lieu of the Customs duties authorized to be charged in Act VII of 1859 (*to alter the duties of Customs on goods imported or exported by Sea*), Act XXIII of 1859 (*to alter the rates of duty on goods imported or exported by land from certain Foreign Territories into or from the Presidencies of Madras and Bombay respectively*), Act X of 1860 (*to amend Act VII of 1859 to alter the duties of Customs on goods imported or exported by Sea*), Act XI of 1862 (*to amend Act X of* 1860, *to amend Act VII of* 1859), Act XXIII of 1862 (*to amend Act XI of* 1862), and Act XXIII of 1864 (*to amend the law relating to the Customs duties on goods imported by Sea*), there shall be levied and collected the duties specified in the two Schedules A and B annexed to this Act. Provided always that nothing herein contained shall be deemed to alter the existing duties upon Salt and Opium, or to authorize the levy of duties in any free Port, or to affect the provisions of Act VI of 1848 (*for equalizing the duties on goods imported and exported on Foreign and British bottoms and for abolishing duties on goods carried from Port to Port in the Territories subject to the Government of the East India Company*), or to affect the provisions of The Consolidated Customs' Act.

Operation of Act.

2. So far as regards the Customs duty on the export of Saltpetre, this Act shall take effect as if it had been passed and had received the assent of the Governor General on the ninth day of March 1865; but save as aforesaid, this Act shall take effect from the first day of April 1865.

Short title.

3. This Act shall be cited as "The Indian Customs Duties' Act of 1865".

SCHEDULE A.

Rates of Duty to be charged on the following goods imported by Sea into any Port in British India, not being a Free Port.

1.	Bullion and Coin	Free
2.	Precious Stones and Pearls	"
3.	Grain and Pulse	"
4.	Horses and other living Animals	"
5.	Ice	"
6.	Coal, Coke, Bricks, Chalk, and Stones	"
7.	Cotton Wool	"
8.	Wool	"
9.	Flax	"
10.	Hemp	"
11.	Jute	"
12.	Hides and Skins, raw	"
13.	Books	"
14.	Paper	"
15.	Maps, Prints, Music and Works of Art	"
16.	Seeds when imported by any Public Society for gratuitous distribution	"
17.	Agricultural Implements	"
18.	Firewood	"
19.	Machinery used exclusively for purposes of Agriculture, Navigation, Mining or Manufacture, or for Railway purposes, and materials forming necessary component parts of such machinery	"
	And the Officer in charge of the Custom House, subject to the orders of the Local Government acting under the general instructions of the Government of India, shall decide what articles come within the definition of such machinery or materials forming component parts thereof, and such decision shall be final in law.	
20.	Military and other Regulation Uniforms and Accoutrements when imported for private use by persons in the Public Service	"
21.	Guano and manures of all kinds	"
22.	Bottles	"
23.	Wines and Liqueurs... ...	one Rupee the imperial gallon.
24.	Porter, Ale, Beer, Cider, and other similar fermented Liquors ...	one anna the imperial gallon.
25.	Spirits	three Rupees the imperial gallon, and the duty to be rateably increased as the strength exceeds London Proof.

Provided that 10 per cent. *ad valorem* shall be charged on all spirits used exclusively in Arts and Manufactures, or in Chemistry, subject to such rules as the Local Governments shall from time to time prescribe, for ascertaining that such spirits are unfit for use as a beverage, and incapable of being converted to that purpose. And the Officer in charge of the Custom House, subject to the general instructions of the Local Government, shall decide what spirits fall within the proviso, and his decision thereon shall be final in law.

26.	Iron (which shall not be taken to include ironmongery cutlery or hard-ware) ...	one per cent. *ad valorem.*
27.	Hops	one per cent. *ad valorem.*
28.	Tobacco, whether manufactured or not manufactured...	ten per cent. *ad valorem.*
29.	Piece Goods	five per cent. *ad valorem.*
30.	Twist	three and a half per cent. *ad valorem.*
31.	All other articles not included in the above enumeration	seven and a half per cent. *ad valorem.*

SCHEDULE B.

Rates of Duty to be charged upon goods exported by Sea to any Foreign Port as defined in The Consolidated Customs' Act from any Port in British India.

1.	Bullion and Coin		Free
2.	Precious Stones and Pearls		"
3.	Horses and other living Animals		"
4.	Rum		"
5.	Spirits		"
6.	Tobacco and all preparations thereof		"
7.	Cotton Wool		"
8.	Flax		"
9.	Hemp		"
10.	Books		"
11.	Maps, Prints, and Works of Art		"
12.	Teak Timber		"
13.	Coal		"
14.	Iron		"
15.	Grain and pulse of all sorts ...	three annas the Indian maund.	of forty seers of eighty tolahs to the seer.
16.	Saltpetre	one Rupee the Indian maund.	
17.	Indigo	three Rupees the Indian maund.	
18.	Lac Dye and Shell Lac ...	four per cent. *ad valorem.*	
19.	Hides and Skins, raw	two per cent. *ad valorem.*	
20.	Sugar	two per cent. *ad valorem.*	
21.	Raw Silk and Silk Chussum ...	two per cent. *ad valorem.*	
22.	All country articles not enumerated or named above ...	three per cent. *ad valorem.*	

WHITLEY STOKES,
Offg. Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor General on the 10th April 1865, and is hereby promulgated for general information :—

Act No. XVIII of 1865.

An Act to amend Act No. X of 1862 (*to consolidate and amend the Law relating to Stamp Duties*).

Preamble.

Whereas it is expedient to amend Act No. X of 1862 (*to consolidate and amend the Law relating to Stamp Duties*) ; It is enacted as follows :—

Act X of 1862, Section 33, repealed.

1. The thirty-third Section of the said Act No. X of 1862 is hereby repealed, and the following Section shall be read in lieu thereof :—

Governor General in Council may lower rates of Stamp Duty on any Deeds, &c., mentioned in the Schedule, or on any class of such Deeds, &c.

2. The Governor-General of India in Council may, from time to time, by an order to be published in the Official Gazette, reduce or remit in the whole or any part of the Territories to which the said Act X of 1862 applies, the Stamp Duties prescribed by the said Act and chargeable on all or any of the Deeds, Instruments, and Writings mentioned in the Schedules thereto, or on any particular class of such Deeds, Instruments, and Writings, or on any of the Deeds, Instruments, and Writings, belonging to such class; or on any of the Deeds, Instruments, and Writings, as aforesaid, when executed or granted by or to any particular class of persons or by or to any members of such class, and may in like manner cancel or vary such order to the extent of the powers hereby given. Such cancelment or variation shall also be published in the Official Gazette.

Addition to Act X of 1862, Schedule B, Article 11.

3. Article eleven of Schedule B to the said Act X of 1862, shall be read as if after the words and figures "Act III of 1859," the following words were inserted, that is to say, "or in Courts of Small Causes established under Section six of Act XXII of 1864 (*to make provision for the administration of Military Cantonments*).

This Act to be taken as part of Act X of 1862.

4. This Act shall be read with and taken as part of the said Act No. X of 1862.

WHITLEY STOKES,
Off. Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 10th April 1865, and is hereby promulgated for general information :—

Act No. XIX of 1865.

An Act to define the jurisdiction of the Courts of Judicature of the Punjab and its Dependencies.

Preamble.

Whereas it is expedient to define the jurisdiction of the Courts of Judicature in the Punjab and its Dependencies; It is enacted as follows :—

Short title.

1. This Act shall be called "The Punjab Courts' Act, 1865."

"Assistant Commissioner."

2. In this Act "Assistant Commissioner" includes "Extra Assistant Commissioner."

"Land."

"Land" does not apply to any land excluded from a settlement of Land Revenue, whether the Revenue be paid to Government or to the assignee of Government.

"District." "District Court." "Division." "Divisional Court."

3. For the purposes of this Act the local jurisdiction of a Deputy Commissioner shall be deemed a District, and the Court of such Deputy Commissioner shall be deemed the District Court. The local jurisdiction of a Commissioner shall, in like manner, be deemed a Division, and his Court a Divisional Court...

Grades of Courts in the Punjab.

4. There shall be seven grades of Courts in the Punjab, which shall be in addition to any Courts of Small Causes, and to any other Courts established under any Act which may hereafter be passed unless otherwise provided in such Act, namely :—

(1.)—The Court of the Tahsildar.

(2.)—The Court of the Assistant Commissioner with ordinary powers.

(3.)—The Court of the Assistant Commissioner with special powers.

(4.)—The Court of the Assistant Commissioner with full powers.

(5.)—The Court of the Deputy Commissioner.

(6.)—The Court of the Commissioner.

(7.)—The Court of the Judicial Commissioner.

Jurisdiction of Tahsildar.

5. The Local Government may invest any Tahsildar with power to try and determine suits of every description not exceeding three hundred Rupees in value or amount.

Local Government may in special cases give Naib-Tahsildars powers of Tahsildar.

6. The Local Government shall also have power, from time to time, specially to invest any Naib Tahsildar with the powers of a Tahsildar as aforesaid within such limits as it may think proper, and to withdraw such powers.

Jurisdiction of Assistant Commissioner with ordinary powers.

7. The Assistant Commissioner with ordinary powers shall have power to try and determine suits of every description not exceeding one hundred Rupees in value or amount.

Jurisdiction of Assistant Commissioner with special powers.

8. The Assistant Commissioner with special powers shall have power to try and determine suits of every description not exceeding five hundred Rupees in value or amount.

Criminal powers to be exercised by Courts of the 1st, 2nd, and 3rd grades.

9. The Criminal powers to be exercised by the Courts of the said first, second, and third grades respectively, shall be those with which the several Officers presiding in those Courts shall from time to time be invested by the Local Government under Section twenty-three of the Code of Criminal Procedure.

Jurisdiction of Assistant Commissioner with full powers.

10. The Assistant Commissioner with full powers shall, on the Civil side, have power to try and determine suits of every description under ten thousand Rupees in value or amount, and on the Criminal side to exercise the powers of a Magistrate as defined in the Code of Criminal Procedure.

Jurisdiction of Deputy Commissioner.

11. The Deputy Commissioner shall, on the Civil side, have power to try and determine suits of every description without limitation in value or amount, and to hear appeals, where an appeal is allowed by the Code of Civil Procedure in force in the Punjab, from decisions and orders of the first three grades of Courts mentioned in the fourth Section of this Act, and on the Criminal side to exercise the powers of a Magistrate as defined in the Code of Criminal Procedure, and to hear appeals according to the provisions of the same Code relating to the hearing of appeals by Magistrates from the sentences and orders of Courts subordinate to the Magistrate of the District. The Deputy Commissioner may also be invested by the Local Government with the powers described in Act No. XV of 1862 (*to amend the Code of Criminal Procedure*).

Jurisdiction of Commissioner.

12. The Commissioner shall, on the Civil side, have power to try and determine suits of every description without limitation in value or amount, and to hear and determine appeals, where an appeal is allowed by the Code of Civil Procedure in force in the Punjab, from decisions and orders of the Courts of the said fourth and fifth grades, and, on the Criminal side, to exercise the powers of a Sessions Judge as defined in the Code of Criminal Procedure, and to hear appeals from the subordinate Courts according to the provisions of the same Code relating to the hearing of appeals by the Sessions Court.

Court in which suit shall be instituted.

13. Every suit shall be instituted in the Court of the lowest grade competent to try it: Provided that no suit cognizable by a Court of Small Causes shall be heard or determined in any other Court having any jurisdiction within the local limits of the jurisdiction of such Court of Small Causes.

14. The Deputy Commissioner may direct the business in the Courts subordinate to him, holding their sittings at the same place, to be distributed among such Courts in such way as he shall think fit: Provided that no Court shall try any suit the value or amount of which shall exceed its proper jurisdiction.

Distribution of business in Courts subordinate to Deputy Commissioner.

15. The Commissioner or Deputy Commissioner may withdraw any suit instituted in any Court subordinate to him and try such suit himself, or refer it for trial to any other Court subordinate to him and competent in respect of the value or amount of the suit to try the same. The Commissioner may also withdraw any appeal from the Court of any Deputy Commissioner subordinate to him and try the appeal himself or refer it for trial to the Court of any other Deputy Commissioner in his Division.

Power of Commissioner or Deputy Commissioner to withdraw suits from subordinate Courts.

16. The Judicial Commissioner may withdraw any suit or appeal from any Court subordinate to him other than Courts of Small Causes or Courts of Cantonment Magistrates, and refer such suit or appeal for trial to any other Court subordinate to him and competent in respect of the value or amount of the suit to try the same.

Power of Judicial Commissioner to transfer suits.

17. If the suit be for immovable property situate within the limits of a single District, but within the jurisdiction of different Courts, the suit may be brought in the Court within whose jurisdiction any portion of the property is situate, provided that, in respect of the value of the property in suit, the entire claim be cognizable by such Court. In such case the Court in which the suit is brought shall apply to the District Court for authority to proceed with the same, and the District Court, after hearing the objections, if any, of the defendant, may grant such authority.

Suits for immovable property situate within different jurisdictions of single District.

18. If the suit be for immovable property situate within the limits of different Districts within the same Division, the suit may be brought in any Court otherwise competent to try it, within the jurisdiction of which any portion of such property is situate; but in such case the Court in which the suit is brought shall apply to the Commissioner of the Division for authority to proceed with the same; and such Commissioner, after hearing the objections, if any, of the defendant, may grant authority accordingly. If the suit is brought in any Court subordinate to the Court of the Deputy Commissioner, the application shall be submitted to the Commissioner of the Division through the Deputy Commissioner to whom such Court is subordinate.

Suits for immovable property situate in different Districts.

19. If the Districts within the limits of which the immovable property is situate are subordinate to different Commissioners, the application mentioned in the last preceding Section shall be submitted to the Commissioner in whose Division the District in which the suit is brought is situate, and such Commissioner, after hearing the objections, if any, of the defendant, may give authority to proceed with the suit.

Suits for immovable property situate in Districts subject to different Commissioners.

20. Whenever the number of cases depending in any District or Divisional Court shall be so great as to prevent their being disposed of within a reasonable period, the local Government may, with the previous sanction of the Governor General of India in Council, invest any Officer with the Civil and Criminal powers of a Deputy Commissioner or Commissioner, as defined in this Act, in such District or Division as the case may be.

Local Government may invest additional Officers with powers of Commissioner, and Small Cause Court Judges with powers of Assistant Commissioner.

21. In any District in which a Settlement of land revenue is in progress, the local Government may, on its own authority, empower and direct the Tahsildars, Assistant Commissioners, Deputy Commissioner, and Commissioner in such District, to exercise their respective powers as defined in this Act in suits regarding land or the rent, revenue or produce of land, on the Revenue, and not on the Civil side of their Courts. The local Government may also, with the previous sanction of the Governor General of India in Council, invest any special Officer in such District with the Civil powers of a Commissioner, Deputy Commissioner, Assistant Commissioner or Tahsildar, as defined in this Act, for the purpose of deciding suits in respect to land or the rent, revenue or produce of land, such powers to be exercised on the Revenue side: Provided that in all such suits as aforesaid no deviation be allowed from the Rules of Civil Procedure in force, and that the powers given under this Section shall continue only so long as Settlement operations are in progress in the District, and shall cease on the termination thereof.

Local Government may invest special Officers with Civil powers of Commissioners, &c., in Districts in course of settlement.

22. In any District in which a Settlement of Land Revenue is in progress, the local Government may invest the Financial Commissioner with the powers of the Judicial Commissioner for the purpose of trying special appeals from Commissioners and Deputy Commissioners in all decisions passed by them in regular appeal under the twenty-first Section of this Act, and with the power of a Court of final appeal in any class of suits regarding land, or the rent, revenue, or produce of land: Provided that in the trial of such appeals no deviation shall be allowed from the Rules of Civil Procedure in force, and that the power given under this Section shall continue only so long as Settlement operations shall be in progress, and shall cease on the termination thereof. So long as the Financial Commissioner may be invested with powers as aforesaid the jurisdiction of the Judicial Commissioner in respect to the appeals hereby made cognizable by the Financial Commissioner shall be suspended.

Local Government may invest Financial Commissioner with powers of Chief Court for certain purposes.

Proviso.

Exclusion of jurisdiction under Sections 21 and 22, of Revenue Courts and Financial Commissioner.

23. Whenever in a case of succession or inheritance the claim shall relate not only to land but to land and other property not permanently attached to the land comprised in the claim, neither the Revenue Courts nor Financial Commissioner shall have jurisdiction under the twenty-first or the twenty-second Section of his Act.

Saving of decisions and orders passed before passing of this Act.

24. No decision or order passed by any Officer in the Punjab and its Dependencies prior to the passing of this Act shall be invalid solely on the ground of a doubt existing as to the authority of h e Officer who passed the decision or order.

Commencement of Act.

25. This Act shall commence and come into operation on the first day of May 1865.

WHITLEY STOKES,
Offg. Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 10th April 1865, and is hereby promulgated for general information :—

ACT No. XX OF 1865.

An Act to amend the law relating to Pleaders and Mookhtars.

Preamble.

Whereas it is expedient to amend the law relating to Pleaders and Mookhtars, and to provide rules for the qualification, admission, enrolment, suspension, and dismissal of Revenue Agents ; It it enacted as follows :—

Preliminary.

Short title.

1. This Act may be cited as "The Pleaders, Mookhtars, and Revenue Agents' Act, 1865."

Interpretation of terms.

2. In this Act, unless there be something repugnant or inconsistent in the subject or context —

Number.

Words importing the singular number include the plural, and words importing the plural number include the singular.

"Section."

"Section" means a Section of this Act.

"Person."

"Person" includes any Company or Association or body of persons, whether incorporated or not.

"Pleader"

"Pleader" includes Vakeels.

"Collector."

"Collector" includes Officers performing any of the duties of a Collector of land revenue.

"Magistrate."

"Magistrate" includes Officers exercising any of the powers of a Magistrate.

"Judge."

"Judge" means the presiding judicial Officer in every Civil and Sessions Court by whatever title he is designated.

"Court."

"Court" means all Courts subordinate to the High Court, including Courts of Small Causes.

"District." "District Court."

"District" means the local jurisdiction of the principal Civil Court of original jurisdiction ; and "District Court" means such Court, and includes Sessions Courts, and, for the purposes of this Act, the Courts of a Commissioner and Deputy Commissioner, or any other Court in the Territories known as Non-Regulation, exercising like powers as those of a Commissioner and Deputy Commissioner or of a Civil and Sessions Judge.

"Local Government." "High Court." "Board of Revenue."

And in any part of British India in which this Act operates, "Local Government" denotes the person authorized to administer the executive Government in such part : "High Court" denotes the highest Civil Court of Appeal, and "Board of Revenue" denotes the chief Revenue Authority therein.

Laws repealed.

3. So far as they affect the Territories to which this Act extends, the enactments set forth in the first Schedule hereto are repealed, except so far as they repeal any other enactment, and except as to the recovery and application of any penalty for any offence which shall have been committed before the commencement of this Act.

Of Pleaders and Mookhtars.

High Court to make rules for qualification, &c., of Pleaders and Mookhtars.

4. The High Court is hereby authorized and required, within six months after this Act shall take effect in the Territories in which such Court exercises jurisdiction, to make rules for the qualification, admission, and enrolment of proper persons to be Pleaders and Mookhtars of the Courts in such Territories, for the fees to be paid for the examination, admission, and enrolment of such persons, and, subject to the provisions hereinafter contained, for the suspension and dismissal of the Pleaders and Mookhtars so admitted and enrolled. The High Court may also from time to time, vary and add to such rules.

No person to practise as a Pleader or as a Mookhtar unless qualified under this Act.

5. Except as hereinafter provided, no person shall appear, plead or act as a Pleader, or appear or act as a Mookhtar in any Court to which this Act extends, unless he shall have been admitted and enrolled and shall be otherwise duly qualified to practise as a Pleader or as a Mookhtar, as the case may be, pursuant to the provisions of this Act, and unless he shall continue to be so qualified and enrolled at the time of his practising as a

Pleader or Mookhtar as aforesaid: Provided that every person who at the time at which this Act shall come into operation in any part of British India shall be, or shall be qualified to act, as a Pleader in any Court in such part, by virtue of any law, rule or order in force therein, shall be entitled to be admitted and enrolled as a Pleader in the High Court pursuant to the provisions of this Act, without passing any examination, but subject to the conditions of any certificate or diploma held by him as to the class of Courts in which such certificate or diploma authorizes himto practise.

Saving of Pleaders already qualified.

6. To facilitate the ascertainment of the qualifications mentioned in the fourth Section, the Local Government shall from time to time appoint persons to be Examiners for the purposes aforesaid, and make regulations for conducting such examinations.

Local Government to appoint Examiners.

7. The High Court shall cause the name of every person who shall be admitted a Pleader or a Mookhtar pursuant to the provisions of this Act, to be enrolled in books to be provided and kept for that purpose in such Court. The Courts shall take judicial notice whether a Pleader or Mookhtar is enrolled or not.

Names of Pleaders and Mookhtars to be enrolled.

8. The High Court shall cause certificates, signed by such Officer as the Court shall appoint, to be issued to persons who have been admitted and enrolled under the provisions of this Act as Pleaders or Mookhtars and are entitled to practise as such. Any such certificate, when renewed as provided in the ninth Section, may be issued and signed by the Officer so appointed or by the Judge of the District Court within the limits of whose jurisdiction the holder of the certificate shall then ordinarily practise. Every Judge so renewing a certificate shall notify such renewal to the High Court.

Certificates to be issued to Pleaders and Mookhtars.

9. Every certificate, whether original or renewed, shall be engrossed upon stamp paper to be supplied by the person entitled to the certificate, and shall be in the form contained in the second Schedule to this Act, and shall authorize the holder to practise for the period of one year from the date of the certificate. At the expiration of such time, the holder of the certificate, if desirous to continue to practise, shall be entitled to have his certificate renewed, and on every such renewal the certificate then in the holder's possession shall be cancelled and retained by the Officer or Judge signing the renewed certificate.

Form and duration of certificate.

10. The stamp on the certificate, whether original or renewed, shall be of the following value:—

Value of stamp on certificate.

On a certificate authorizing the holder to practise as a Pleader—

(*a.*) In the High Court and any subordinate Court—Rupees fifty:

(*b.*) In the District Courts, subordinate Courts, and Small Cause Courts—Rupees twenty-five:

(*c.*) In the Sudder Ameens' and Moonsiffs' Courts and in the Courts of Assistant Commissioners, Extra Assistant Commissioners, and Tahsildars—Rupees fifteen:

(*d.*) In the Moonsiffs' Courts or any Court of first instance not hereinbefore mentioned—Rupees five.

On a certificate authorizing the holder to practise as a Mookhtar—

(*e.*) In the High Court and any subordinate Court—Rupees twenty-five:

(*f.*) In the District Courts, subordinate Courts, and Small Cause Courts—Rupees sixteen:

(*g.*) In the Courts of the Commissioners of Circuit, Magistrates and Subordinate Magistrates: in Sudder Ameens' and Moonsiffs' Courts and in the Courts of Assistant Commissioners, Extra Assistant Commissioners, and Tahsildars—Rupees eight:

(*h.*) In the Moonsiffs' Courts or any Court of first instance not hereinbefore mentioned—Rupees four.

11. Pleaders duly admitted and enrolled under this Act may appear, plead and act in any Criminal Court, or before any Board of Revenue or in any Revenue Office within the limits of the general jurisdiction of the High Court in which they are enrolled. Mookhtars duly admitted and enrolled as aforesaid may, subject to the conditions of their certificates as to the class of Courts in which they are authorized to practise, appear and act in any Civil Court, and may appear, plead and act in any Criminal Court within the same limits.

Pleaders may practise in Criminal Courts and Revenue Offices.

Mookhtars may plead in Criminal Courts.

12. Every person who shall have been admitted to practise as a Pleader or Mookhtar under the provisions hereinbefore contained may, subject to the conditions of his certificate as to the class of Courts in which he is authorized to practise, apply to be enrolled in the Court in which he shall desire ordinarily to practise; and on such application he shall be enrolled in a book to be kept for that purpose in such Court. Provided that neither this Section nor the last preceding Section shall apply to any Court established by Royal Charter.

Persons admitted in one Court admissible to practise in other Courts of same or subordinate jurisdiction.

13. Except as hereinafter provided, any person who shall practise as a Pleader or Mookhtar in any Civil or Criminal Court or Revenue Office to which this Act extends, without having previously obtained a properly stamped certificate authorizing him so to practise, which certificate shall be then in force, shall be liable by order of such Court or the Officer at the head of such Office to a fine not exceeding ten times the amount of the stamp required by this Act to be impressed on the certificate which he should then have held, and, in default of payment, to imprisonment in the Civil Jail for a period not exceeding six calendar months.

Uncertificated persons practising as Pleaders or Mookhtars to be liable to fine or imprisonment and to be incapable of recovering fees.

He shall also be incapable of maintaining any suit for any fee or reward for or in respect of anything done or any disbursement made by him as such Pleader or Mookhtar whilst he shall have been without such certificate.

High Court may suspend or dismiss Pleader or Mookhtar convicted of a criminal offence.

14. The High Court may suspend or dismiss any Pleader or Mookhtar enrolled under this Act in such Court, who shall be convicted of any criminal offence.

High Court may suspend or dismiss any Pleader or Mookhtar practising therein and guilty of unprofessional conduct.

15. The High Court may also, after such enquiry as it may deem proper, suspend or dismiss any Pleader or Mookhtar enrolled as aforesaid who shall be guilty of fraudulent or grossly improper conduct in the discharge of his professional duty, or for any other reasonable cause.

Procedure when charge of unprofessional conduct is brought in a subordinate Court.

16. If any Pleader or Mookhtar practising in any Court subordinate to the High Court, shall be charged in such subordinate Court with any such conduct as aforesaid, the Judge or Magistrate of the Court, as the case may be, shall send him a copy of the charge and also a notice that, on a day to be therein appointed, such charge will be taken into consideration. Such copy and notice shall be served upon the Pleader or Mookhtar at least ten days before the day so appointed; and on such day, or on any subsequent day to which the enquiry may be adjourned, the Court shall receive all evidence properly tendered by or on behalf of the party bringing the charge or by the Pleader or Mookhtar, and shall proceed to adjudicate on the charge. If the Judge or Magistrate shall find the charge established, and consider that the Pleader or Mookhtar should be suspended or dismissed in consequence, he shall record his finding and the grounds thereof, and shall report the same to the High Court, and the High Court shall proceed to acquit, suspend or dismiss the Pleader or Mookhtar. Such report when made by any Officer other than the District Judge shall be submitted to the High Court through the District Judge, who shall accompany the report with any remarks that he may think necessary and an expression of his own opinion on the case. Such report, when made by a Magistrate subordinate to the Magistrate of the District, shall be submitted through the Magistrate of the District to the District Judge, and shall be accompanied by the remarks and opinion of the Magistrate of the District as aforesaid. The Judge or Magistrate may, pending the investigation and the orders of the High Court, suspend the Pleader or Mookhtar from practising as such in his Court.

Suspension pending investigation.

High Court may call for the record in case of acquittal under Section 16.

17. The High Court, in any case in which a Pleader or Mookhtar shall have been acquitted under the last preceding Section otherwise than by an order of the High Court, may call for the record and pass such order thereon as shall seem fit.

Dismissed Pleader or Mookhtar to surrender his certificate.

18. When any Pleader or Mookhtar shall be suspended or dismissed under any of the foregoing Sections, he shall forthwith deliver up his certificate to the Court in which he was practising at the time he was so suspended or dismissed, or to any Court to which he shall be ordered by the High Court to deliver the same. If he fail to make such delivery, he shall be liable, by order of such Court, to a fine not exceeding two hundred Rupees, and, in default of payment, to imprisonment in the Civil Jail for a term not exceeding three calendar months. If, during such suspension or after such dismissal, he shall practise as a Pleader or Mookhtar in any Court, he shall be liable, by order of such Court, to a fine not exceeding five hundred Rupees, and, in default of payment, to imprisonment in the Civil Jail for a term not exceeding six calendar months.

Of Agents practising in the Revenue Offices.

No person to act as Agent in Revenue Offices or Magistrates' Courts, unless qualified as herein provided.

19. No person other than a Pleader duly qualified under the provisions hereinbefore contained, or other than persons authorized by such general or special powers of attorney as are hereinafter mentioned, shall practise as an Agent in any proceeding before the Board of Revenue or in any Office subordinate to such Board, unless he shall have obtained a certificate from such Board in the manner hereinafter provided. Any such certificate, when renewed as provided in the twenty-first Section, may be issued and signed by the Secretary of the Board or by any other Officer authorized by the Board in that behalf, or by the Collector of the District within the limits of whose jurisdiction the holder of the certificate shall practise at the time of renewal.

Names of Revenue Agents to be enrolled.

20. The Board of Revenue shall cause the name of every person (hereinafter called a Revenue Agent) who shall have obtained such certificate to be enrolled in a book to be provided and kept for that purpose by the Secretary of the Board or other Officer authorized by the Board in that behalf.

Form of Certificate.

21. Every such certificate, whether original or renewed, shall be engrossed upon stamp paper to be supplied by the person entitled to the certificate, and shall be in the form contained in the third Schedule to this Act, and shall authorize the holder to practise for the period of one year from the date of the certificate. At the expiration of such time, the holder of the certificate, if desirous to continue to practise, shall renew his certificate, and on every such renewal the certificate then in his possession shall be cancelled and retained by the Officer or Collector signing the renewed certificate. Every Collector so renewing a certificate shall notify such renewal to the Board of Revenue.

Value of stamp.

22. The stamp on such certificate, whether original or renewed, shall be of the following value—

On a certificate authorizing the holder to practise as a Revenue Agent.

In the Board of Revenue or in any Office subordinate to the Board—Rupees fifteen.

In the Office of a Commissioner or in any Office subordinate to a Commissioner—Rupees ten.

In the Office of a Collector or in any Office subordinate to a Collector—Rupees five.

23. The Board of Revenue shall, before they shall grant any such certificate, satisfy themselves of the qualifications and fitness of the person applying for the same; and they are hereby authorized and required within six months after the commencement of this Act in the part of British India in which such Board is situate, to prepare rules for the purpose of defining what qualifications shall be required for such certificate.

Revenue Board to ascertain qualifications of Revenue Agents.

24. To facilitate the ascertainment of the qualifications mentioned in the last preceding Section, the Local Government shall from time to time appoint persons to be Examiners for the purposes aforesaid and make regulations for conducting the examinations.

Local Government to appoint Examiners.

25. Every person who shall have been admitted to practise as a Revenue Agent under this Act, may, subject to the conditions thereof as to the class of Offices in which he is authorized to practise, apply to be enrolled in the Office in which he shall desire ordinarily to practise, and on such application he shall be enrolled in a book to be kept for that purpose in such Office. Any such Revenue Agent shall also be entitled, on production of the certificate held by him, and subject to the conditions as aforesaid to practise as a Revenue Agent in all other Revenue Offices within the limits of the Territory under the Board of Revenue in which he is enrolled.

Enrolment of Revenue Agent in Office in which he shall usually practise.

26. The Board of Revenue may suspend or dismiss any Revenue Agent practising in any Revenue Office, who shall be convicted of any criminal offence.

Board of Revenue may suspend or dismiss Revenue Agent convicted of criminal offence.

27. The Board of Revenue may also, after making such enquiry as it may think proper, suspend or dismiss any Revenue Agent practising before such Board, who may be guilty of fraudulent or grossly improper conduct in the discharge of his professional duty, or for any other reasonable cause.

Board may suspend or dismiss Revenue Agent practising before it and guilty of unprofessional conduct.

28. If any Pleader shall, while practising before such Board, be charged with fraudulent or grossly improper conduct in the discharge of his duty in such practice, the Board shall enquire into the charge and report the result to the High Court, and the High Court, after making such further enquiry as it shall think fit, shall proceed to acquit, suspend or dismiss the Pleader, and shall thereupon send notice of such acquittal, suspension or dismissal to the said Board. Pending the investigation and the receipt of the notice last aforesaid, the Board may suspend the Pleader from practising before it.

Procedure when a Pleader is charged with unprofessional conduct before the Board of Revenue.

29. If any Pleader or Revenue Agent shall be charged with any such conduct in any Office subordinate to the Board of Revenue, the Officer at the head of such Office shall send him a copy of the charge and also a notice that, on a day to be therein appointed, such charge will be taken into consideration. Such copy and notice shall be served upon the person charged, at least ten days before the day so appointed; and on such day or on any other day to which the enquiry may be adjourned, the Officer shall receive all evidence properly tendered by or on behalf of the person bringing the charge, or by the person charged, and shall proceed to adjudicate on the charge. If the Officer find the charge established, and consider that the person charged should be suspended or dismissed in consequence, he shall record his finding and the grounds thereof and report the same to the Board of Revenue, and the Board shall, if the person charged be a Revenue Agent, proceed to acquit, suspend or dismiss him, and shall, if he be a Pleader, forward such report to the High Court in which he is enrolled. The High Court, after making any further enquiry which it shall think necessary, shall proceed to acquit, suspend or dismiss the Pleader so charged, and shall thereupon send notice of such acquittal, suspension or dismissal to the Board by whom such report was forwarded. If the Officer shall be subordinate to the Commissioner of a Division, he shall forward the report through such Commissioner, who shall accompany the same with any remarks that he may think necessary and an expression of his own opinion on the case.

Procedure when Pleader or Revenue Agent is so charged in any Office subordinate to Board of Revenue.

30. The Board of Revenue, in any case in which a Pleader or Revenue Agent shall have been acquitted under the last preceding Section otherwise than by an order of the High Court or Board, may call for the record and pass such order thereon as shall seem fit, subject, in the case of a Pleader, to the provisions of the twenty-eighth Section.

Power to Board to call for record.

31. Whenever a Revenue Agent who has been dismissed or suspended by order of the Board of Revenue shall also be a Mookhtar enrolled under the provisions of this Act, the Board of Revenue, shall forward a report of the case to the High Court in which he shall be enrolled; and such Court, after making any inquiry which it may think necessary, may suspend or dismiss him as such Mookhtar.

Report to High Court when dismissed Revenue Agent is also an enrolled Mookhtar.

32. The provisions of the eighteenth Section shall apply to any Pleader or Mookhtar suspended or dismissed under the twenty-eighth, twenty-ninth or thirty-first Section.

Section 18 to apply to Vakeel or Mookhtar suspended or dismissed under Sections 28, 29, or 31.

33 When a Revenue Agent shall be suspended or dismissed under any of the foregoing Sections, he shall forthwith deliver up his certificate to the Board of Revenue or the Officer at the head of the Office in which he was practising at the time he was so suspended or dismissed, or to any other Officer whom the Board may order to receive the same. If he fail to make such delivery, he shall be liable by order of the Board or such Officer as aforesaid to a fine not exceeding two hundred Rupees, and, in default of payment, to imprisonment in the Civil Jail for a term not exceeding three calendar months.

Dismissed Revenue Agent to surrender his certificate.

34. Every person who shall practise as a Revenue Agent in any Revenue Office in the Territories to which this Act ex-

Penalty on unqualified person practising as Agent.

tends, without holding a certificate then in force and without being duly qualified to practise as herein provided, shall be liable by order of the Board or Officer in whose Office he shall so practise to a fine not exceeding Rupees two hundred and, in default of payment, to imprisonment in the Civil Jail for a period which may extend to three calendar months. The person so fined as aforesaid shall be incapable of maintaining any suit for any fee or reward for or in respect of any thing done or any disbursement made by him in the course of such practising.

Persons authorized by general or special powers of attorney may be Agents.

35. Nothing hereinbefore contained shall prevent any person from employing any other person, though not a Revenue Agent enrolled under the provisions of this Act, to commence and prosecute all business or any particular business in which the employer may be concerned in any Revenue Office: Provided that the person so commencing and prosecuting all or any such business as aforesaid shall hold a general or special power of attorney, as the case may be, in that behalf, from the person so employing him: Provided also that no person shall act as last aforesaid unless he shall have received the general or the special sanction, as the case may be, in that behalf, of the Board of Revenue or other Officer authorized by the Local Government to grant such sanction.

Sanction required.

Sanction may be revoked or suspended.

36. Such general or special sanction, as the case may be, may at any time be revoked or suspended by the Board of Revenue or other Officer as aforesaid by whom it was granted; and any person who, having received such sanction, shall practise under the nineteenth Section during the continuance of such revocation or suspension, shall be liable to the penalties and incur the disabilities mentioned in the thirty-third Section.

Of the Remuneration of Pleaders and Revenue Agents.

High Court and Revenue Board to fix fees on Civil and Revenue proceedings.

37. The High Court shall from time to time fix and regulate the fees which shall be payable upon all proceedings in the Courts by any party in respect of the fees of his adversary's Pleader; and the Board of Revenue shall from time to time fix and regulate the fees which shall be payable upon all proceedings in the Revenue Courts and Offices by any party in respect of the fees of his adversary's Pleader or Revenue Agent. Tables of the fees so fixed shall be published in the Official Gazette.

Section 37 not to apply to Agents appointed under Section 35

38. The provisions of the last preceding Section shall not be applicable to Agents appointed under the thirty-fifth Section.

Clients may make private agreements with their Pleaders, Mookhtars or Revenue Agents as to remuneration.

39. Parties employing Pleaders, Mookhtars or Revenue Agents in any Court or Office shall be at liberty to settle with them by private agreement the remuneration to be paid for their professional services, and it shall not be necessary to specify such agreement in the power under which such Pleaders, Mookhtars or Revenue Agents for the time being act. Such agreements shall not be enforced otherwise than by regular suit.

Miscellaneous.

Suitors may appear, &c., for co-suitors.

40. Any suitor may appear, plead and act in any suit, appeal or other proceeding on behalf of any co-suitor. And in all Criminal Courts, any person defending a case may (with the permission of the presiding Judge or Magistrate) employ any other person, though not a Pleader or Mookhtar duly qualified under the provisions of this Act, to assist him in such defence. But no suitor nor person so appearing, pleading, acting or assisting, shall be entitled to recover any fee or reward therefor.

Prosecutors or prisoners may employ any assistant.

Fees not recoverable by such persons.

Rules to be published in the Gazette.

41. The rules mentioned in the fourth and twenty-third Sections and all variations of and additions to such rules, shall be published in three consecutive numbers of the Official Gazette. Rules made under this Act by a High Court not established by Royal Charter shall, before such publication, be submitted to and approved by the Local Government.

Fines subject to revision.

42. Every order for imposing a fine which shall be passed under this Act, shall be subject to revision by the High Court if the order shall have been passed by a Court subordinate to the High Court, or by the Board of Revenue if the order shall have been passed by an Officer subordinate to such Board.

Pleaders in subordinate Courts may apply to District Judge for enrolment.

43. Any person who at the time that this Act shall come into operation in any part of British India shall be practising as a Pleader in any Court in such part, and who shall wish to be enrolled as a Pleader under this Act may apply to be so enrolled to the Court in which he is practising. Such Court, if subordinate to the High Court, shall forward the application to the High Court. The High Court shall cause the applicant to be enrolled under the provisions of this Act, and, if he be practising in a subordinate Court, shall authorize the District Judge to grant a certificate to the applicant as provided in the eighth, ninth and tenth Sections. Applications for enrolment under this Section, when made by any Pleader practising in a Court subordinate to the District Court, shall be forwarded to the High Court through the District Judge.

Act not to apply to Advocates, &c., admitted & enrolled by any High Court under Letters Patent.

44. With the exception of Section thirty-nine this Act shall not apply to Advocates, Vakeels and Attorneys-at-law, admitted and enrolled by any High Court under the Letters Patent by which such Court is constituted, nor to Mookhtars practising in such Court: Provided that the High Court shall have power to make rules for the qua-

lification, admission, enrolment, suspension and dismissal of the Mookhtars practising on the appellate side of such Court and to prescribe penalties for persons practising contrary to such rules or any of them, and from time to time to vary such rules and penalties. Provided also that the High Court may from time to time fix and regulate the fees which shall be payable on all proceedings on the appellate side of such Court by any party in respect of the fees of his adversary's Vakeel. The rules, penalties and fees so made, prescribed and fixed and every variation thereof shall be published in three consecutive numbers of the Official Gazette.

Advocates and Vakeels enrolled in a High Court may practise in any Court other than a High Court in which they are not enrolled.

45. Every person now or hereafter enrolled as an Advocate or Vakeel on the Roll of any High Court under the Letters Patent constituting such Court shall, notwithstanding any thing hereinbefore contained, be entitled as such to practise in any Court in British India other than a High Court on whose Roll he is not enrolled, or in any such Court with the permission of the Court, and in any Revenue Office, subject nevertheless to the rules in force relating to the language in which the Court or Officer is to be addressed by Pleaders or Revenue Agents. Provided that no such Vakeel shall be entitled to practise under this Section before a Judge of the High Court, Division Court or High Court exercising original jurisdiction.

Attorney of a High Court may plead in any Court not a High Court.

46. Every person now or hereafter enrolled as an Attorney on the Roll of any High Court shall, notwithstanding anything hereinbefore contained, be entitled as such to *practise* in any Court of British India other than a High Court established by Royal Charter and in any Revenue Office.

Commencement and extent of Act.

47. This Act shall take effect in the Territories under the Governments of the Lieutenant Governors of Bengal and the North-Western Provinces, respectively, on the first day of January 1866, and may be extended by order of any other Local Government to the Territories subject to such Government. Every such order shall be published in the Official Gazette.

Repeal of inconsistent enactments in Madras, Bombay, the Punjab, &c.

48. From the date on which this Act shall be extended by the Local Government under the provision contained in the last preceding Section to the Territories subject to such Government, so much of the Regulations in force therein as is in any way inconsistent with, or repugnant to, any of the provisions of this Act, shall cease to have effect in such Territories except as to the recovery and application of any penalty for any offence which shall have been incurred before such extension of the Act.

FIRST SCHEDULE.

Regulations and Acts and parts of Regulations and Acts repealed so far as they affect the Territories to which this Act extends.

Number and date of Regulations.	What Code.	Title.	Extent of Repeal.
Regulation XXVII, 1814.	Bengal Code.	For reducing into one Regulation, with amendments and modifications, the several rules which have been passed regarding the office of Vakeel or Native Pleader in the Courts of Civil Judicature.	So much as has not already been repealed.
Regulation VII, 1822.	Bengal Code.	For declaring the principles according to which the settlement of the land revenue in the Ceded and Conquered Provinces, including Cuttack, Puttaspore, and its dependencies, is to be hereafter made, and the powers and duties belonging to Collectors or other Officers employed in making, revising, or superintending Settlements; for continuing, with certain exceptions, the existing leases within the said Provinces, for a further term of five years; for defining, settling, and recording the rights and obligations of various classes and persons possessing an interest in the land, or in the rent or produce thereof; and for vesting the Revenue Authorities with judicial cognizance in certain cases of suits and claims relating to land, the rent, and produce of land.	Section xxv.
Regulation IX, 1825.	Bengal Code.	For extending the operation of Regulation VII, 1822; for authorizing the Revenue Authorities to let in farm estates under temporary leases, on the default of the Malguzars, or to hold the same khas for a term of years; for modifying and adding to the rules contained in Regulation II, 1819; and for making certain other amendments in the existing Regulations.	So much of Clause 2, Section v, as provides that Section xxv of Regulation VII of 1822, shall be applicable to cases investigated by Collectors under the rules of Regulation II of 1819, or under the provisions of Regulation IX of 1825.

Number and date of Acts.	Title.	Extent of Repeal.
Act I of 1846.	For amending the law regarding the appointment and remuneration of Pleaders in the Courts of the East India Company.	The whole.
Act XVIII of 1852.	To amend the law relating to Pleaders in the Lower Provinces of the Presidency of Bengal.	The whole.
Act XX of 1853.	To amend the law relating to Pleaders in the Courts of the East India Company.	The whole.
Act X of 1859.	To amend the law relating to the recovery of rent in the Presidency of Fort William in Bengal.	So much of Section lxxi as directs that no fee for any Agent shall be charged as part of the costs of suit in any case under the said Act, and the whole of Section cxlix.

SECOND SCHEDULE.

Form of Pleader or Mookhtar's Certificate.

Stamp

Pursuant to "The Pleaders, Mookhtars and Revenue Agents' Act, 1865," I hereby certify that A. B. Pleader [*or* Mookhtar], whose place [*or* places] of business is [*or* are] at hath this day delivered and left with me a declaration in writing signed by him and containing his name and place [*or* places] of business and the Court [*or* Courts] of which he is admitted a Pleader [*or* Mookhtar] together with the year in which he was so admitted; and I hereby further certify that he is duly enrolled in the High Court of Judicature at Fort William in Bengal [*or* the Sudder Court of the North-Western Provinces, *or as the case may be*] and that he is entitled to practise as a Pleader [*or* Mookhtar] in the District Courts, subordinate Courts, and Small Cause Courts [*or* the Sudder Court of the North-Western Provinces, and any subordinate Court, *or* the Sudder Ameens' Courts, *or* the Moonsiffs' Courts *as the case may be*] and to practise as a Revenue Agent before the Board of Revenue of the Lower Provinces [*or* of the North-Western Provinces, *or as the case may be*] for the period of one year from the date hereof. Given under my hand this day of 186 .

C. D.

Registrar [*or as the case* may be] of the High Court of Judicature at Fort William in Bengal [*or* of the Sudder Court of the North-Western Provinces, *or as the case may be.*]

THIRD SCHEDULE.

Form of Revenue Agent's Certificate.

Stamp

Pursuant to "The Pleaders, Mookhtars and Revenue Agents' Act, 1865," I hereby certify that A. B. of is entitled to practise as a Revenue Agent before the Board of Revenue of the North-Western Provinces [*or* of the Lower Provinces, *or as the case may be*], and in any office subordinate thereto in such Provinces, for the period of one year from the date hereof. Given under my hand this day of 186 .

C. D.

Secretary to the Board of Revenue of the North-Western Provinces [*or* the Lower Provinces, *or as the case may be.*]

WHITLEY STOKES,
Offg. Asst. Secy. to the Govt. of India, Home Dept. (Legislative).

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 10th April 1865, and is hereby promulgated for general information:—

ACT No. XXI OF 1865.

An Act to define and amend the Law relating to Intestate Succession among the Parsees.

Preamble.

Whereas it is expedient to define and amend the Law relating to Intestate Succession among the Parsees; It is enacted as follows:—

Division of property among widow and children of Intestate.

1. Where a Parsee dies leaving a widow and children, the property of which he shall have died intestate shall be divided among the widow and children, so that the share of each son shall be double the share of the widow, and that her share shall be double the share of each daughter.

Division of property among widower and children of Intestate.

2. Where a female Parsee dies leaving a widower and children, the property of which she shall have died intestate shall be divided among the widower and such children, so that his share shall be double the share of each of the children.

Division of property amongst the children of male Intestate who leaves no widow.

3. When a Parsee dies leaving children but no widow, the property of which he shall have died intestate shall be divided amongst the children, so that the share of each son shall be four times the share of each daughter.

4. When a female Parsee dies leaving children but no widower, the property of which she shall have died intestate shall be divided amongst the children in equal shares.

Division of property amongst the children of female Intestate who leaves no widower.

5. If any child of a Parsee Intestate shall have died in his or her lifetime, the widow or widower and issue of such child shall take the share which such child would have taken if living at the Intestate's death in such manner as if such deceased child had died immediately after the Intestate's death.

Division of predeceased child's share of Intestate's property among the widow or widower and issue of such child.

6 Where a Parsee dies leaving a widow or widower, but without leaving any lineal descendants, his or her father and mother, if both are living, or one of them if the other is dead, shall take one moiety of the property as to which he or she shall have died intestate, and the widow or widower shall take the other moiety. Where both the father and the mother of the Intestate survive him or her, the father's share shall be double the share of the mother. Where neither the father nor the mother of the Intestate survives him or her, the Intestate's relatives on the father's side, in the order specified in the first Schedule hereto annexed, shall take the moiety which the father and the mother would have taken if they had survived the Intestate. The next of kin standing first in the same Schedule shall be preferred to those standing second, the second to the third, and so on in succession, provided that the property shall be so distributed as that each male shall take double the share of each female, standing in the same degree of propinquity If there be no relatives on the father's side, the Intestate's widow or widower shall take the whole.

Division of property when the Intestate leaves a widow or widower, but no lineal descendants

7. When a Parsee dies leaving neither lineal descendants nor a widow or widower, his or her next of kin, in the order set forth in the second Schedule hereto annexed, shall be entitled to succeed to the whole of the property as to which he or she shall have died intestate. The next of kin standing first in the same Schedule shall always be preferred to those standing second, the second to the third, and so on in succession, provided that the property shall be so distributed as that each male shall take double the share of each female standing in the same degree of propinquity.

Division of property when the Intestate leaves neither widow nor widower nor lineal descendants

8. The following portions of the Indian Succession Act, 1865, shall not apply to Parsees (that is to say) the whole of Part III, the whole of Part IV excepting Section twenty-five, the whole of Part V, and Section forty-three.

Exemption of Parsees from certain parts of the Indian Succession Act, 1865.

THE FIRST SCHEDULE.

(1.) Brothers and sisters, and the children or lineal descendants of such of them as shall have predeceased the Intestate

(2.) Grandfather and grandmother.

(3.) Grandfather's sons and daughters, and the lineal descendants of such of them as shall have predeceased the Intestate.

(4.) Great grandfather and great grandmother.

(5.) Great grandfather's sons and daughters, and the lineal descendants of such of them as shall have predeceased the Intestate.

THE SECOND SCHEDULE

(1.) Father and mother.

(2.) Brothers and sisters and the lineal descendants of such of them as shall have predeceased the Intestate.

(3.) Paternal grandfather and paternal grandmother.

(4.) Children of the paternal grandfather, and the lineal descendants of such of them as shall have predeceased the Intestate

(5.) Paternal grandfather's father and mother.

(6.) Paternal grandfather's father's children, and the lineal descendants of such of them as shall have predeceased the Intestate.

(7.) Brothers and sisters by the mother's side, and the lineal descendants of such of them as shall have predeceased the Intestate.

(8.) Maternal grandfather and maternal grandmother.

(9.) Children of the maternal grandfather, and the lineal descendants of such of them as shall have predeceased the Intestate.

(10.) Son's widow, if she have not re-married at or before the death of the Intestate.

(11.) Brother's widow, if she have not re-married at or before the death of the Intestate.

(12.) Paternal grandfather's son's widow, if she have not re-married at or before the death of the Intestate.

(13.) Maternal grandfather's son's widow, if she have not re-married at or before the death of the Intestate.

(14.) Widowers of the intestate's deceased daughters, if they have not re-married at or before the death of the Intestate.

(15.) Maternal grandfather's father and mother.

(16.) Children of the maternal grandfather's father, and the lineal descendants of such of them as shall have predeceased the Intestate.

(17.) Paternal grandmother's father and mother.

(18.) Children of the paternal grandmother's father, and the lineal descendants of such of them as shall have predeceased the Intestate.

WHITLEY STOKES,
Offg. Asst. Secy. to the Govt. of India,
Home Dept., (Legislative.)

HOME DEPARTMENT.

No. 3439.

NOTIFICATIONS.

Fort William, 7th April 1865.

The Governor General in Council is pleased to attach Messrs. F. P. Beachcroft and A. W. Stogdon, of the Civil Service, reported qualified for the Public Service, to the North-Western Provinces, the Punjab, and Oudh, and to place their services at the disposal of the Foreign Department.

No. 3441.

The 12*th April* 1865.

Mr. G. L. Lang, of the Civil Service, is permitted to proceed to Europe on furlough for a period of one year, from the date of embarkation.

No. 3442.

The Governor General in Council is pleased to invest Dr. J. C. Corbyn, Inspector of Jails, and Superintendent, Central Prison, with the powers of a Magistrate, as described in Section 22 of Act XXV of 1861, within the precincts of the Lucknow Central Jail.

No. 3444.

Captain J. Loch, Assistant Commissioner, Central Provinces, is appointed to officiate as Judge of the Court of Small Causes, Nagpore, as a temporary arrangement.

No. 3446.

The 13*th April* 1865.

The under-mentioned Officers, attached to the Topographical Branch, Survey Department, are allowed privilege leave of absence for three months, from the dates on which they may respectively avail themselves of the same, at the close of the present Survey Field Season, making over charge of their Offices to the Senior Assistants of their respective parties :—

Lieutenant Colonel G. H. Saxton, Staff Corps, in charge of No. 3 Topographical Party, Ganjam and Orissa Survey.

Captain G. C. Depree, R. A., in charge No. 4 Topographical Party, Chota Nagpore Division Survey.

No. 3448.

Mr. J. B. N. Hennessey, 1st Assistant, Great Trigonometrical Survey, returned on the 10th instant, from furlough to Europe on medical certificate, and resumed the duties of his appointment on the following day.

No. 3449.

Mr. William Blunt, of the Civil Service, has reported his departure from India per Steam Ship "Mooltan," which vessel was left by the Pilot at Sea on the 24th of March.

No. 3450.

In Notification No. 1765, at page 230 of the *Gazette of India*, for the word "afternoon," read "forenoon."

No. 3452.

Leave of absence for three months is granted to the Hon'ble W. Morgan, Puisne Judge of the High Court of Calcutta, under Section 6 of the Covenanted Absentee Rules, with effect from the date on which he may avail himself of the same.

No. 3460.

Mr. David Simson, of the Civil Service, is permitted to proceed to Europe on furlough for a period of one year nine months and twenty-eight days from the date of embarkation.

A. M. MONTEATH,
Under Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

MILITARY.

No. 160.

Fort William, the 13*th April* 1865.

The following order, issued by the Officer Commanding Central India Horse on 1st April 1865, is confirmed :—

"Lieutenant J. S. Irvine, Adjutant, 1st Regiment at Augur, will receive charge of the Staff Office from Captain J. D. Hall, of the 2nd Regiment, consequent on the removal of the Head Quarters of the Force from Goona to Augur."

GENERAL.

No. 841.

The 11*th April* 1865.

Mr. A. Young, Officiating Deputy Commissioner of Durriabad, in Oudh, has obtained fifteen days' leave of absence from the 25th ultimo, under the Rules applicable to Military Officers in Civil employ.

No. 843.

Assistant Surgeon J. C. Morrice, of the 16th Bengal Cavalry, is appointed to the medical charge of the Gwalior Political Agency, in addition to his own duties, vice Surgeon Major S. A. Homan.

No. 845.

Captain H. C. Menzies, Assistant Commissioner, Oomraotee District, has obtained privilege leave of absence for three months, from the date of making over charge of his Office.

No. 853.

The 12*th April* 1865.

Lieutenant A. H. Eckford, Assistant Commissioner of Sultanpore, in Oudh, has obtained privilege leave of absence for three months, from the 23rd ultimo.

No. 857.

The 13*th April* 1865.

His Excellency in Council is pleased to make the following declaration under Section 197 of the Code of Criminal Procedure for the purposes of that Code :—

The ordinary language in use in the districts of the Jubbulpore and Nerbudda Divisions of the Central Province, excluding Nimar, is Oordoo.

The ordinary language in use in the district of Nimar is Hindee.

The ordinary language in use in the districts of the Nagpore Division is Mahrattee

The ordinary language in use in the district of Seroncha is Teloogoo.

The ordinary language in use in the districts of Raepore and Belaspore is Hindee.

The ordinary language in use in the district of Sumbulpore is Oorya.

No. 858.

His Excellency the Viceroy and Governor General in Council is pleased to extend Act XXIX of 1837 to the Central Provinces, and, under the authority contained therein, to declare that the language to be used in the proceedings before the Civil Courts in the Central Provinces shall, as regards the Courts in each district, be the same as the language prescribed under Section 197 of the Code of Criminal Procedure to be used in such district for the purposes of the said Code.

No. 860.

Lieutenant Colonel W. F. Eden, appointed in G. O. No. 812, dated 7th instant, to be Agent to the Governor General for the States of Rajpootana, received charge of the Agency from Lieutenant A. N. Bruce on the 3rd idem.

A. COLVIN,
Offg. Under Secy. to Govt. of India.

FINANCIAL DEPARTMENT.

No. 2066.

Fort William, the 10th April 1865.

NOTIFICATIONS.

Statement of the amount of Government Currency Notes in circulation, of the amount of Coin and Bullion Reserve, and Government Securities held by the Department of Issue of Paper Currency.

Date of Return	Circles of Issue.	Notes in Circulation.	Silver Coin Reserve.	Silver Bullion Reserve.	Government Securities.	Government Securities held in Calcutta.
1865.						
April 1st	Calcutta Circle	2,97,94,920	89,28,233	20,03,120	50,00,000	1,38,63,267
" "	Allahabad Branch do.	19,14,480	10,10,576	690		9,03,214
" "	Lahore do. do.	14,47,540	8,36,832	10,730		5,99,978
" "	Nagpore do. do.	19,09,030	15,61,168			3,47,862
March 25th	Madras Circle	54,00,000	23,97,155			30,02,845
" "	Calicut Branch do.	2,12,310	2,12,310	.....	...	.....
" "	Trichinopoly do. do.	2,70,330	2,70,330	..		
" "	Vizagapatam do. do.	2,63,910	2,63,910	..		
April 1st	Bombay Circle ...	3,37,00,000	1,44,71,992		22,00,000	1,70,28,008
		7,49,12,520	2,99,52,506	20,14,840	72,00,000	3,57,45,174
Deduct— Notes of other Circles cashed at Head Office		6,33,920	6,33,920	..	.	..
	Total	7,42,78,600	2,93,18,586	20,14,840	72,00,000	3,57,45,174

DEPARTMENT OF ISSUE OF PAPER CURRENCY,
CALCUTTA,
Dated 4th April 1865.

(Signed) H. HYDE,
Head Commissioner, Department of Issue of Paper Currency.

No. 2071.

The 12th April 1865.

Mr. E. S. Byrne received charge of the Office of Deputy Auditor and Accountant General, Hyderabad, from Mr. J. Rose, on the afternoon of the 28th March 1865.

No. 2076.

The 13th April 1865.

Extract from the Proceedings of the Government of India, in the Financial Department.

Read a letter from the Civil Pay Master, N. W. Provinces, No. 50-325, dated the 13th March 1865, enquiring whether the Return of Uncovenanted Servants (European and East Indian) required to be submitted to the Right Hon'ble the Secretary of State, in conformity with instructions contained in paragraph 4 of his Financial Despatch No. 161, dated 30th June 1864, should be prepared in the old form, and, in case of any modification, pointing out that it would be useful to retain the column showing the age of Uncovenanted Servants to enable Government to know at any time all persons whose time of compulsory retirement was at hand.

Read a Report on the above by the Deputy Auditor and Accountant General, Bengal, No. 51, dated 28th March 1865.

RESOLUTION.—The Governor General in Council is pleased to resolve that the Return of Uncovenanted Servants (European and East Indian) required by the Right Hon'ble the Secretary of State, shall be prepared in future in the following form :—

List of Uncovenanted Civil Servants (European and East Indian) in the Office of

on the 1st May 186 .

1	2	3	4
Name	Description of Appointment.	Salary.	Period of residence in India.

2. With regard to the enquiry whether any record should be kept of the age of Uncovenanted Servants (European, East Indian, and Native), the Governor General in Council observes that it should be kept in the Leave Registers in the Civil Pay Master's Office from information furnished by Heads of Offices, who should be careful to note in the Pay Abstract in which pay may, for the first time, be drawn for an Uncovenanted Officer eligible to pension, his age on his first admission into the service.

Ordered, that a copy of the above Resolution be sent to the Military and Public Works Departments for information and guidance, in respect of Uncovenanted Servants under the control of those Departments.

Ordered, also, that a copy of the Resolution be sent to the Civil Pay Masters, Madras, Bombay, N. W. Provinces, and the Punjab, the Deputy Auditors and Accountants General, Bengal, British Burmah, Hyderabad, and Central Provinces, and the Accountant General to the Government of India, for information and guidance.

Ordered, also, that a copy of the Resolution be published in the *Gazette of India* for general information.

No. 2095.

Baboo Madhub Chunder Chatterjee, Principal Native Assistant in the Account Branch of the Financial Secretary's Office, is allowed privilege leave of absence for three months, commencing from 8th instant, under Financial Notification, dated 31st July 1863.

No. 2099.

Mr. J. Christie received charge of the Office of Civil Pay Master, Bombay, from Mr. H. A. Mangles on the afternoon of the 31st March 1865.

E. H. LUSHINGTON,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 8th April 1865.

No. 378 *of* 1865.—Under the authority of the Right Hon'ble the Secretary of State for India, Deputy Assistant Commissary Andrew Stoney, of the Ordnance Commissariat Department, who is reported to be unfit for further active service, is, as a special case, transferred to the Pension Establishment, on a stipend of Rs. 121-12 per mensem, payable in India.

The 10th April 1865.

No. 379 *of* 1865.—The services of Lieutenant G. N. Ross, 12th Madras Native Infantry, are placed temporarily at the disposal of the Home Department.

No. 380 *of* 1865.—His Excellency the Governor General in Council is pleased to make the following appointment :—

PUNJAB IRREGULAR FORCE.

No. 1 *Light Field Battery.*

Lieutenant H. S. Hutchinson, Royal Artillery, to officiate as Doing-duty Officer, vice Lieutenant V. Rivaz, appointed to No. 2 Light Field Battery.

No. 381 *of* 1865.—The under-mentioned Non-Commissioned Officer is admitted to pension as specified opposite to his name :—

Quarter Master Sergeant James Hocy, attached to the Convalescent Depôt at Darjeeling.	2*s.* (two shillings) per diem, payable in Europe.

No. 382 *of* 1865.—The under-mentioned Officer has reported his return from England :—

	Date of arrival at Fort William.
Captain H. C. Sitwell, of the late 5th European Light Cavalry.	31st March 1865.

No. 383 *of* 1865.—The following extract from the *London Gazette* of the 7th February 1865 is published for general information :—

WAR OFFICE, PALL MALL,
7th February 1865.

Brevet.

Lieutenant General Sir William Mansfield, K. C. B., to have the local rank of General in the East Indies, dated 7th February 1865.

Major General Sir Robert Napier, K. C. B., to have the local rank of Lieutenant General in the East Indies, dated 7th February 1865.

The 12th April 1865.

No. 384 *of* 1865.—The services of Lieutenant W. F. Badgley, of the Staff Corps, Adjutant, 26th Regiment Native Infantry, are placed at the disposal of the Home Department.

No. 385 *of* 1865.—Lieutenant A. L. Heyland, Royal Artillery, is permitted, at his own request, to resign his appointment as Private Secretary and Aide-de-Camp to the Hon'ble the Lieutenant Governor of the Punjab, and his services are accordingly placed at the disposal of His Excellency the Commander-in-Chief, with effect from the 25th April 1865.

No. 386 *of* 1865.—The services of Captain C. McW. Mercer, of the Royal Artillery, are placed at the disposal of the Government of the Punjab.

No. 387 *of* 1865.—The following Military letter from the Right Hon'ble the Secretary of State for India, No. 61, dated the 9th March 1865, is published for general information :—

MILITARY. INDIA OFFICE,

No. 61. *London, 9th March* 1865.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,—I have considered in Council the correspondence regarding the grant of leave to Europe to Officers of the British Service holding staff appointments in India, forwarded with paragraph 9 of your letter No. 462, dated the 21st December 1864.

2. In reply to an enquiry made by His Excellency the Commander-in-Chief, you have informed His Excellency that, as all Officers, whether of the British or Indian Service, holding staff appointments in India, and retaining these appointments whilst on leave to Europe, must obtain such leave from the Government in Government General Orders, it appears to the Governor General in Council desirable, that they should obtain leave under the same terms and for such periods as may be fixed by the Medical Committee in accordance with the rules laid down in the New Furlough Regulations, and that British Officers proceeding to England as Staff Officers, with retention of appointment, should appear, therefore, before the same Board as Indian Officers similarly situated, viz., the Army Medical Board at the Presidency.

3. I approve of this decision which has been communicated to His Royal Highness the Field Marshal Commanding-in-Chief, with the suggestion that all such Officers desirous of obtaining extension of leave in England, with retention of appointment to the full extent allowed by the New Furlough Regulations, should make their application to this Office.

4. His Royal Highness has expressed his concurrence in this arrangement.

I have, &c.,

(Sd.) C. WOOD.

No. 388 *of* 1865.—The following Military letter from the Right Hon'ble the Secretary of State for India, No. 69, dated 9th March 1865, is published for general information :—

MILITARY. INDIA OFFICE,

No. 69. *London, 9th March* 1865.

His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,—I have considered in Council your Military letter No. 37, dated 21st January 1865, recommending, with reference to my despatch No. 266 of the 26th August 1864, that the rule hitherto in force in Bengal, by which Officers serving in the Ordnance Department are granted Regimental allowances at the field rate, wherever stationed, may be extended to the same class of Officers at Madras and Bombay, in which Presidencies Ordnance Officers now draw pay at full or half batta rates according to their location.

2. As these appointments may be considered in one sense as Regimental appointments, and as the distinction between half and full batta stations as affecting Regimental Officers as well as Non-Commissioned Officers and Soldiers has been recently abolished, I shall not object to the proposed rule with regard to the pay of Officers of the Ordnance Department.

3. This measure, as you observe, will place all on the same footing, the only exception being that of Ordnance Officers at the Presidency, who, like other Staff Officers similarly situated, draw Presidency rates of house-rent.

I have, &c.,

(Sd.) C. WOOD.

No. 389 *of* 1865.—The under-mentioned Officers have reported their departure on the dates specified opposite to their respective names :—

Major J. S. Rawlins, of the Bengal Staff Corps, 2nd in Command, and Wing Officer, 1st Goorkha Regiment, on leave for twenty months, Government General Order No. 275 of the 16th March 1865.	"Mooltan," 24th March 1865.
Captain the Hon'ble W. M. Fraser, of the Bengal Staff Corps, District Superintendent of Police, North-Western Provinces, on leave for twenty months, Government General Order No. 273 of the 16th March 1865.	
Captain A. Blunt, of the Bengal Staff Corps, on furlough for two years, Government General Order No. 255 of the 13th March 1865.	
Captain J. B. Smyly, of the Bengal Staff Corps, Assistant Commissioner, Punjab, on leave for twenty months, Government General Order No. 297 of the 20th March 1865.	

Captain R. M. Sewell, of the Bengal Staff Corps, District Superintendent of Police, Punjab, on leave for twenty months, Government General Order No. 266 of the 15th March 1865. Surgeon W. G. W. Clemenger, A. B and M. B., of the Medical Department, in medical charge of the 5th Goorkha Regiment, on leave for twenty months, Government General Order No. 295 of the 20th March 1865. Lieutenant T. T. Oliphant, of the late 5th European Regiment, Doing-duty Officer, 1st Punjab Infantry, on leave for twenty months, Government General Order No. 295 of the 20th March 1865. Lieutenant W. G. Chalmers, of the Bengal Staff Corps, Wing Officer, 23rd (Punjab) Regiment Native Infantry, on furlough for two years, Government General Order No. 285 of the 17th March 1865. Lieutenant E. B. Ward, of the late 48th Regiment Native Infantry, District Superintendent of Police, Baraitch, on leave for twenty months, Government General Order No. 297 of the 20th March 1865. Assistant Surgeon L. H. J. Maclean, of the Medical Department, on furlough for three years, Government General Order No. 277 of the 16th March 1865.	"Mooltan," 24th March 1865.
Lieutenant Colonel T. F. Wilson, C. B., of the Bengal Staff Corps, Commandant, 7th Bengal Cavalry, on leave for twenty months, Government General Order No. 326 of the 28th March 1865. Lieutenant W. Hampton, of the Invalid Establishment, on furlough for three years, Government General Order No. 219 of the 2nd March 1865. Assistant Surgeon A. FitzGerald, of the Medical Department, on leave to the Neilgherry Hills for eight months, Government General Order No. 284 of the 17th March 1865.	"Arabia," 3rd April 1865.
Major James Edward Thomson, of the Bengal Staff Corps, on furlough for two years, Government General Order No. 281 of the 17th March 1865.	"Burmah," 5th April 1865.
Major Thomas Hardy Chamberlain, of the Bengal Staff Corps, City Magistrate, Lucknow, on leave for twenty months, Government General Order No. 344 of the 31st March 1865. Lieutenant (Brevet Captain) George Vincent Fosbery, of the late 4th European Regiment, Adjutant, Calcutta Volunteer Rifle Corps, on leave for twenty months, Government General Order No. 326 of the 28th March 1865. Surgeon Major Samuel Adamson Homan, of the Medical Department, on leave for twenty months, Government General Order No. 338 of the 31st March 1865.	"Burmah," 5th April 1865.

No. 390 *of* 1865.—The following promotion is made:—

Clothing Department.

Conductor W. Pritchard, Store-keeper, to be Deputy Assistant Commissary.

The 13*th April* 1865.

No. 391 *of* 1865.—The under-mentioned Officer is admitted to the Bengal Staff Corps, with effect from the date specified opposite to his name, subject to the confirmation of the Right Hon'ble the Secretary of State for India:—

2nd Captain Clement John Mead, of the Royal Artillery, 1st Class Executive Engineer, Department Public Works.	7th November 1864.

No. 392 *of* 1865.—The services of the undermentioned Officers are placed at the disposal of the Foreign Department:—

Lieutenant H. Gibson, of the Bombay Staff Corps.

Lieutenant J. Ketchen, of the General List, Bombay Infantry.

No. 393 *of* 1865.—The Right Hon'ble the Governor General in Council is pleased to direct that the Troops composing the Dooar Field Force shall be formed into one Brigade, with effect from such date as may be ordered by His Excellency the Commander-in-Chief.

Brigadier General J. M. B. F. Tytler, C. B., is appointed to command the Dooar Field Force, and will have his Head Quarters ordinarily at Gowhatty.

Brigadier General H. Tombs, C. B., V. C., will revert to the command of the Gwalior District.

No. 394 *of* 1865.—His Excellency the Governor General in Council is pleased to make the following appointment:—

PUNJAB IRREGULAR FORCE.

3rd Infantry.

Lieutenant G. N. Saunders, of the late 24th Regiment Native Infantry, to officiate as Wing Officer, during the absence of Lieutenant Money, or until further orders.

No. 395 *of* 1865.—The following alterations of rank are made subject to Her Majesty's approval :—

ALTERATIONS OF RANK.

Corps.	Rank and Name.	To rank from	In whose room.
General List, Cavalry.	Lieutenant Silas Adair Swinley ...	30th July 1862	Lieutenant G. W. C. Plowden, 21st Hussars, promoted in Cadre of late 3rd European Light Cavalry.
	Lieutenant Charles Bell Horsbrugh ...	*15th Aug. „	Lieutenant J. C. Lockwood, 20th Hussars, promoted in Cadre of late 2nd European Light Cavalry.
	Lieutenant William Gibson Craig ...	*4th Oct. „	Lieutenant J. Biddulph, Cadre of late 5th European Light Cavalry, transferred to the 19th Hussars.
	Lieutenant Richard Bernard Lockwood ...	*4th Dec. „	Lieutenant A. Hearsey, (deceased) Cadre of late 5th European Light Cavalry, transferred to the 19th Hussars.
	Lieutenant Robert Bartholomew ...	*20th Feb. 1863	Lieutenant H. M. Caulfield, (deceased), promoted in Cadre of late 4th European Light Cavalry.
General List, Infantry	Lieutenant Arthur Benjamin Clare ...	*26th Oct. 1852	Lieutenant C. Middlemass, General List, Infantry, transferred to the 107th Foot.
	Lieutenant George Campbell Napier ...	*4th Nov. „	Lieutenant C. W. Biggs, General List, Infantry, transferred to the 101st Foot.
	Lieutenant Wm. Hope Meiklejohn ...	*4th Dec. „	Lieutenant J. H. Campbell, General List, Infantry, transferred to the 109th Foot.
	Lieutenant Alexander Jeffery Nicholson ...	*2nd Jan. 1863	Lieutenant H. F. Showers, General List, Infantry, transferred to the 104th Foot.
	Lieutenant Archibald Cuthbert Bigg Wither...	*2nd „ „	Lieutenant C. Pakenham. General List, Infantry, transferred to the 101st Foot.
	Lieutenant Henry John Lawrence ...	*4th „ „	Lieutenant J. R. E. J. Royle, General List, Infantry, transferred to the 107th Foot.
	Lieutenant William Loch ...	*4th „ „	Lieutenant A. G. Remington, Cadre of late 12th Native Infantry, promoted.
	Lieutenant Richmond Shakespear ...	*4th „ „	Lieutenant C. Pigou, Cadre of the late 4th European Regiment, transferred to the 104th Foot.
	Lieutenant Binfield Wemyss ...	*20th „ „	Lieutenant J. S. Bagshaw, Cadre of late 5th European Regiment, transferred to the 101st Foot.
	Lieutenant Robert William Napier ...	*20th „ „	Lieutenant F. Henderson, Cadre of the late 16th Native Infantry, transferred to the 107th Foot.
	Lieutenant Frederick Mills Malet Harris ...	*20th „ „	Lieutenant G. S. Dysart, Cadre of the late 23rd Native Infantry, transferred to the 107th Foot.
	Lieutenant J. G. G. Shaw, (Resigned) ...	*4th Feb. „	Lieutenant C. M. Boswell, Cadre of the late 23rd Native Infantry, transferred to the 104th Foot.
	Lieutenant Allan Scott Roberts ...	*20th „ „	Lieutenant T. H. Lewin, Cadre of the late 31st Native Infantry, transferred to the 104th Foot.
	Lieutenant Stephen Hotham ...	*1st March „	Lieutenant C. K. Mylne, Cadre of the late 35th Native Infantry, transferred to the 104th Foot.
	Lieutenant E. H. C. Plowden, (Resigned) ...	*4th „ „	Lieutenant C. P. Chambers, Cadre of the late 48th Native Infantry, transferred to the 107th Foot.
	Lieutenant Howard Kingscote ...	*4th „ „	Lieutenant W. Owen, Cadre of the late 61st Native Infantry, transferred to the 107th Foot.
	Lieutenant A. D. Strettell (now of the 109th Foot)	*4th „ „	Lieutenant C. O. Bowles, General List, Infantry, resigned.

* The dates on which they respectively completed one year's service, as required by Government General Order No. 214 of 1861.

The promotions of the under-mentioned Officers announced in Government General Order No. 868 of 1864, are hereby cancelled under the operation of paragraph 55 of Government General Order No. 632 of the 4th August 1864 :—

PROMOTIONS.

Corps	Rank and Name.	To what rank promoted.	From what Date
General List, Cavalry	Cornet Elliot Alexander Money, (now of 19th Hussars)	Lieutenant	30th July 1862
	Cornet Thomas Shepherd, (now of 20th Hussars)	Ditto ..	Ditto
	Cornet G. R. J. Shakespear, (now of 20th Hussars)	Ditto ...	Ditto
	Cornet Joseph Boulderson, (now of 19th Hussars)	Ditto ..	Ditto.
	Cornet F. Henry Huth, (now of 19th Hussars)	Ditto ...	6th July 1863
	Cornet A. W. G. Brebner, (now of 20th Hussars)	Ditto ..	24th Mar „
	Cornet C. R. St. Quintin, (now of 19th Hussars)	Ditto ...	Ditto
	Cornet W A. Lawrence, (now of 21st Hussars)	Ditto ...	23rd Apl 1863
	Cornet Cecil Mangles, (now of 20th Hussars)	Ditto ..	18th Sept. „
	Cornet Charles R. Chase, (now of 21st Hussars)	Ditto ...	17th Nov „
	Cornet F. D. Harding, (now of 19th Hussars)	Ditto ...	Ditto.
	Cornet E. S. Neave, (now of 21st Hussars)	Ditto ..	Ditto.
	Cornet C Bailey, (now of 20th Hussars)	Ditto ...	28th Nov. 1863
	Cornet S. D Barrow, (now of 19th Hussars)	Ditto ...	2nd July 1864
	Ensign H. P. Airey, (now of 101st Foot)	Ditto ...	30th July 1862
	Ensign Arthur Peel, (transferred to 101st Foot, now of 7th Hussars) ...	Ditto ...	Ditto
	Ensign W H. Hyne, (now of the 107th Foot)	Ditto ...	Ditto
	Ensign R C. Richardson, (now the of 104th Foot)	Ditto ..	Ditto.
	Ensign V C. E. Parker (now of the 104th Foot)	Ditto ...	Ditto
	Ensign M F Stokes, (now of the 104th Foot)	Ditto ...	Ditto.
	Ensign F. O. Fuller, (now of the 101st Foot)	Ditto ...	Ditto.
	Ensign R. H A Quinet (now of the 101st Foot)	Ditto ..	Ditto
	Ensign E A. Down, (now of the 107th Foot)	Ditto ..	Ditto
	Ensign G. S Sewell, (now of the 101st Foot)	Ditto ...	Ditto
	Ensign H. Bailey, (now of the 106th Foot)	Ditto	2nd Oct 1862
	Ensign W. H. Browne, (now of the 101st Foot)	Ditto	20th „ „
	Ensign H. J. Woodward, (now of the 104th Foot)	Ditto	Ditto
	Ensign W. G Beresford, (now of the 107th Foot)	Ditto	26th Oct. 1862
	Ensign B Hudleston, (now of the 104th Foot)	Ditto,	4th Dec
	Ensign A. J. Shepherd, (transferred to the 107th Foot, now of 93rd Regt.)	Ditto	20th „ „
	Ensign R T. Mayne, (now of the 109th Foot)	Ditto	2nd Jan 1863.
	Ensign E L. Clarke, (now of the 103rd Foot)	Ditto	27th „
	Ensign C M Stockley, (now of the 101st Foot)	Ditto.	25th Feb „

No. 396 *of* 1865.—The under-mentioned Soldier is admitted to pension as specified opposite to his name :—

Gunner John Sadler, of A Battery, F Brigade, Royal Horse Artillery. } 1*s.* (one shilling) per diem, payable in Europe.

No. 397 of 1865.—With reference to General Order of the 20th December 1822, the following Statement of Deposits in the Presidency Pay Office, on account of Estates of deceased Native Commissioned and Non-Commissioned Officers and Privates of the Indian Military Forces of Her Majesty, is published for the information of the Army :—

Statement of Sums deposited in the Presidency Pay Office on account of the Estates of deceased Native Officers and Men, from January to December 1864, *and remaining unpaid.*

No. and Date of Letters with which received.	Date of Deposit.	From whom Received.	Names of the Parties.	Rank and Corps.	Amount Deposited.	Amount Paid.	Amount remaining Unpaid.
					Rs. A. P.	Rs. A. P.	Rs. A. P.
No. $\frac{2}{C}$ dated 2nd January 1864.	Jan. 11, 1864 ...	Major H. B. Stevens, Comdg. 12th Kilat-i-Ghilzie Regiment	Gyan Sing ...	Sepoy, 8th Co., Kilat-i-Ghilzie Regt. ...	134 10 1	.....	134 10 1
			Elahee Buksh ...	„ 5th „ „ ...	87 8 7	.....	87 8 7
			Praug Sing ...	„ 7th „ „ ...	22 8 5	.....	22 8 5
			Mahawul Sing ...	Naick, 3rd „ „ ...	108 11 7	108 11 7	.....
			Lalloo Doobay ...	„ 3rd „ „ ...	30 4 5	.....	30 4 5
			Ousan Sing ...	Sepoy, 6th „ „ ...	7 1 10	.....	7 1 10
			Ramdeen ...	„ 4th „ „ ...	51 13 6	.....	51 13 6
			Shaick Fyzuldeen ...	„ 2nd „ „ ...	3 4 7	.....	3 4 7
			Shaick Muddarie ...	Drummer, 7th „ „ ...	5 6 0	.....	5 6 0
			Ramjaun Khan ..	Sepoy, 5th „ „ ..	4 4 6	.....	4 4 6
Statement dated 8th January 1864.	Ditto ...	Capt. H. N. Hodgson, Comdg. 31st Regt. P. N. I.	Mannah ...	„ 5th „ 31st Regt. P. N. I. ...	40 14 7	.....	40 14 7
			Deywah Sing ...	„ 5th „ „ ...	5 9 9	.....	5 9 9
No. 1, dated 11th January 1864.	Jan. 20, 1864 ...	Lieut. Col. Liptrott, Comdg. 4th Regt. N. I.	Ruggonoth ...	„ No. 5, 4th Regt. N. I. ...	14 0 11	.....	14 0 11
Statement dated 1st January 1864.	Jan. 25, 1864 ...	Major H. Boisragon, Comdg. 4th Regt. S. Infy.	Bhugwandeen Pandy ...	„ 8th Co., 4th Regt. S. I. ...	26 10 4	26 10 4	.....
			Punjab Sing ...	Jemadar, 3rd Regt. S. I. ...	202 14 1	202 14 1	.....
			Monohur Sing ...	Sepoy, 3rd „ ...	15 7 8	.....	15 7 8
No. 23, dated 29th January 1864.	Feb. 6, 1864 ...	Capt. T Quin, Comdg. 1st Regt., Sikh Regt.	Issurree Sing ...	Havildar, 7th Co., 1st Regt. S. I. ...	53 12 3	.....	53 12 3
			Fuzullah ...	Sepoy, 8th „ „ ...	18 9 2	.....	18 9 2
			Nunda ...	Barber, 7th „ „ ...	6 3 0	.....	6 3 0
			Ramdass ...	Langree, 6th „ „ ...	53 9 10	.....	53 9 10
			Doolum ...	Barber, 8th „ „ ...	66 5 3	.....	66 5 3
			Buchoo ...	Dooly Bearer, 8th Co., „ ...	7 11 0	.....	7 11 0
No. 27, dated 30th January 1864.	Ditto ...	Major R. Larkins, Comdg. 18th Regt. N. I	Jeet Sing ...	Sepoy, 18th Alipore Regt. ...	28 10 10	.....	28 10 10
			Ramdeen Raoot ...	„ 18th „ ...	67 13 0	.....	67 13 0
			Gujadhur Dooby ...	„ 18th „ ...	86 6 1	.....	86 6 1
			Gunness Mhatoo ...	„ 18th „ ...	37 6 5	.....	37 6 5
			Seosurn Mhatoo ...	„ 18th „ ...	11 12 7	.....	11 12 7
			Bijmohun Sing ...	„ 18th „ ...	39 15 3	.....	39 15 3
			Khyallee Khaw ...	„ 18th „ ...	30 12 1	.....	30 12 1

Statement of Sums deposited in the Presidency Pay Office, &c.,—continued.

No. and Date of Letters with which received.	Date of Deposit	From whom Received.	Names of the Parties.	Rank and Corps.	Amount Deposited.	Amount Paid.	Amount remaining Unpaid.
					Rs. A. P.	Rs. A. P.	Rs. A. P.
No. 27, dated 30th January 1864.	Feb. 6, 1864 ...	Major R. Larkins, Comdg. 18th Regt. N. I.	Rugbeer Roy ...	Sepoy, 18th Alipore Regt. ...	48 2 8	.....	48 2 8
			Sheikh Husnoo ...	„ 18th „ ...	22 1 5	.....	22 1 5
			Sheikh Boodhoo ...	„ 18th „ ...	34 1 6	.....	34 1 6
			Sheikh Baker Allee ...	„ 18th „ ...	138 7 4	.....	138 7 4
			Wuhid Allee Khan ...	„ 18th „ ...	49 9 5	.....	49 9 5
			Ramtohul Sing ...	„ 18th „ ...	6 3 8	.....	6 3 8
No. 14, dated 26th January 1864.	Feb. 10, 1864 ...	Capt. R. Barter, Comdg. 15th Regt. N. I	Nubbee Bux ...	Havildar, 15th Loodianah Regt. N. I. ...	27 6 0	.....	27 6 0
No. 2, dated 15th January 1864.	Ditto ..	Lieut. Col. Fisher, Comdg. 5th Regt. N. I.	Davie Deen ...	Jemadar, 5th Regt. N I. ...	44 10 4	.....	44 10 4
			Narain Tewary ...	Havildar, „ ..	13 9 4	.....	13 9 4
			Shumshere Khan ...	Bugler, „	1 8 0	.....	1 8 0
			Gungah ..	Sepoy, „ ...	18 0 0	.....	18 0 0
			Ramburn Sing ...	„ „ .	20 12 1	.....	20 12 1
No. 3, dated 8th February 1864.	Feb. 17, 1864 ...	Major W. H. Gordon, Comdg. 29th P. N. I.	Kumaldeen ...	„ 4th Co, 29th P. N. I. .	13 6 10	.....	13 6 10
No. 54, dated 16th February 1864.	Feb 25, 1864 ...	Major H. S Obbard, Comdg. 41st Regt. N. I	Busakee ...	„ 7th „ 41st Regt. N. I.	0 13 0	.....	0 13 0
			Nuthoo ...	„ 8th „ „ ...	14 12 0	.....	14 12 0
			Narain ...	„ 3rd „ „ ...	35 11 9	.....	35 11 9
			Ruheem Bux ...	„ 2nd „ „ .	1 11 3	.....	1 11 3
No. 4, dated 24th February 1864.	Mar. 5, 1864 ...	Lieut. Col. H. Milne, Comdg. 1st Regt. N. I.	Deenbund Oppudeah ...	„ 1st Regt. N. I.	14 10 0	.....	14 10 0
No. 16, dated 17th February 1864.	Ditto ...	Col. C. Prior, Comdg. 1st Goorkha Regt. L. I	Dhun Sing Thappa ...	„ 6th Co., 1st Goorkha Regt. L. I. ..	20 5 7	.....	20 5 7
			Rutteeram Ghirtee ...	„ 6th „ „ .	19 2 0	.....	19 2 0
No. 2, dated 11th February 1864.	Mar. 21, 1864 ...	Officer Comdg. Right. Wing, 43rd Regt. N. I	Ramkurn ...	„ 4th „ Right Wing, 43rd Regt. N. I.	40 15 9	.....	40 15 9
			Sunthram ...	„ 4th „ „ „	24 14 3	.....	24 14 3
			Peetambur Sing ...	„ 4th „ „ „	28 8 3	.....	28 8 3
			Singbeer ...	„ 4th „ „ „	36 10 9	.....	36 10 9
No. 3. dated 10th February 1864.	Ditto ...	Officer Comdg. Left Wing, 43rd Regt. N. I.	Jeetman Roy ...	„ 5th „ Left Wing „	7 0 0	.....	7 0 0
			Bhuckutjong Rana ...	„ 6th „ „ „	38 12 6	.....	38 12 6
			Goodah ...	Dandee of the Boat Estabt.	29 4 1	.....	29 4 1
No. 18, dated 21st January 1864.	Mar. 23, 1864 ...	Major H. Forbes, Comdg. Bhopal Levy.	Drigpaul Sing ...	Sepoy, Bhopal Levy. ..	7 8 8	.....	7 8 8
			Damooder ...	„ „	23 15 7	.....	23 15 7

No. 68, dated 21st March 1864.	Mar. 30, 1864 ...	Col. Prior, Comdg. 1st Goorkha Regt.	Soorbeer Kuttree	...	Sepoy, 2nd Co., 1st Goorkha Regt. L. I.	71 2 1	.....	71 2 1
			Hursoo Salne	...	„ 2nd „ „	6 9 6	.....	6 9 6
			Jaising Thappa	...	„ 4th „ „	18 8 5	.....	18 8 5
			Maun Sing Goorung	...	„ 7th „ „	3 6 1	.....	3 6 1
			Dhunbeer Kuttree	...	„ 7th „ „	3 1 10	.....	3 1 10
			Maunbeer Kuttree	...	... ...	9 1 8	.....	9 1 8
No. 242, dated 19th March 1864.	Ditto ...	Col. E. Kaye, Comdg. 19th Brigade R. A.	Buldaun	...	Syce, 19th Regt. R. A.	40 14 0	.....	40 14 0
			Hussein Bux	...	„ „	12 3 0	.....	12 3 0
			Nubbee Bux	...	„ „	2 13 4	.....	2 13 4
			Becarrie	...	„ „	4 15 10	.....	4 15 10
			Seetul	...	„ „	5 13 4	.....	5 13 4
			Davie	...	„ „	43 4 0	.....	43 4 0
			Khoosial	...	Extra Gun Lascar, 19th Regt. R. A.	24 12 6	.....	24 12 6
No. 52, dated 27th March 1864.	April 4, 1864 ...	Major P. Drummond, Comdg. 36th Regt.	Kulloo	...	Sepoy, 36th Regt. N. I.	26 7 0	.....	26 7 0
No. 58, dated 30th March 1864.	April 5, 1864 ...	Major H. Robertson, Comdg. H. M.'s 10th N. I.	Chaidee	...	Havildar, Light Co., 10th Regt. N. I.	114 15 0	.....	114 15 0
No. 117, dated 6th April 1864.	April 15, 1864...	Lieut. Col. Green, C. B., Comdg. 2nd Regt. P. I.	Shu ul Awraun	...	Sepoy, 2nd Regt. P. I.	8 15 9	.....	8 15 9
			Jubbad Khan	...	„ „	14 0 2	.....	14 0 2
			Ameera	...	Bugler, „	173 14 3	.....	173 14 3
			Ameera	...	Sepoy, „	22 3 3	.....	22 3 3
			Golab Sing	...	„ „	18 5 0	.....	18 5 0
			Eeda	...	„ „	18 9 9	.....	18 9 9
			Boora	...	„ „	21 8 10	.....	21 8 10
			Hydait Khan	...	„ „	17 1 7	.....	17 1 7
			Alimohamed	...	„ „	6 8 4	.....	6 8 4
			Surmook Sing	...	„ „	11 10 8	.....	11 10 8
			Ghoothah	...	Dooly Bearer, 2nd Regt. P. I.	5 0 0	.....	5 0 0
No. 3, dated 12th April 1864.	April 25, 1864 ...	Officer Comdg. 4th P. I.	Fyz Mahomed	...	Jemadar, 2nd Co., 4th Regt. P. I.	58 4 3	.....	58 4 3
			Dookee	...	Lascar, 2nd „ „	65 1 9	.....	65 1 9
			Drab Khan	...	Sepoy, 6th „ „	6 6 6	.....	6 6 6
			Jomah Khan	...	„ 5th „ „	3 2 0	.....	3 2 0
			Kanie	...	„ 8th „ „	146 14 0	146 14 0	.....
No. 83, dated 3rd March 1864.	April 30, 1864 ...	Major Theobald, Comdg. 21st P. N. I.	Gharib Khan	...	„ 4th „ 21st P. N. I.	95 10 0	.....	95 10 0
			Buchua	...	„ 5th „ „	28 7 2	.....	28 7 2
			Hira Sing	...	„ 6th „ „	12 14 4	.....	12 14 4
No. 90, dated 20th April 1864.	May 7, 1864 ...	Lieut. Col. R. Renny, Comdg. 3rd Sikh Infy.	Sookhoo Sing	...	„ 7th „ 3rd Sikh Infy.	15 12 8	.....	15 12 8
			Boodhoo	...	Lascar, 4th „ „	10 3 7	.....	10 3 7
			Hurrie Sing	...	Sepoy, Light „ „	17 10 7	.....	17 10 7
			Dewah Sing	...	„ 3rd „ „	21 8 6	.....	21 8 6
			Sooltan Mahomed	...	„ 7th „ „	5 12 1	.....	5 12 1
			Neroze Khan	...	Havildar, 2nd „ „	71 9 4	71 9 4	.....

Statement of Sums deposited in the Presidency Pay Office, &c.,—continued.

No. and Date of Letters with which received.	Date of Deposit.	From whom Received.	Names of the Parties.	Rank and Corps.	Amount Deposited.	Amount Paid.	Amount remaining Unpaid.
					Rs. A. P.	Rs. A. P.	Rs. A. P.
No. 90, dated 20th April 1864.	May 7, 1864 ...	Lieut. Col. R. Renny, Comdg. 3rd Sikh Infy.	Bolakie ...	Naick, 5th Co., 3rd Sikh Infy. ...	36 6 4	.....	36 6 4
			Ogeein Khan ...	Sepoy, 5th „ „ ...	7 4 5	.....	7 4 5
			Heeat Khan ...	„ 5th „ „ ...	36 0 1	.....	36 0 1
			Dewah Sing ...	Langree, 8th „ „ ...	1 11 0	.....	1 11 0
			Hoosein Bux ...	Sepoy, 7th „ „ ...	10 6 7	.....	10 6 7
			Buddun Sing ...	„ Rifle „ „ ...	35 7 9	.....	35 7 9
			Sonak Sing ...	„ 6th „ „ ...	20 3 9	.....	20 3 9
			Burdeam Sing ...	„ 5th „ „ ...	40 13 4	.....	40 13 4
			Jussah Sing ...	Havildar, 4th „ „ ...	17 9 9	.....	17 9 9
No. 133, dated 13th May 1864.	May 19, 1864 ...	Capt. F. R. Butt, Comdg. C. By., 19th Brigade R. A.	Peer Khan ..	Private, C. By., 19th Brigade R. A. ...	65 12 10	.....	65 12 10
No. 24, dated 25th May 1864.	June 3, 1864 ...	Lieut. Col. W. Richardson, Comdg. 41st Regt N. I.	Inderbeer Thappa ...	Sepoy, 1st Co., 44th Regt. N. I. ...	26 9 5	.....	26 9 5
			Aproop Sing ...	„ 1st „ „ ...	45 7 0	.....	45 7 0
			Soorbeer Lamah ...	„ 1st „ „ ...	20 2 10	.....	20 2 10
			Kurbeer Groom ...	„ 2nd „ „ ...	25 2 8	.....	25 2 8
			Soorth Sing ...	„ 2nd „ „ ...	87 10 6	.....	87 10 6
			Bassoo Thappa ...	„ 3rd „ „ ...	19 0 1	.....	19 0 1
			Rajbul Rye ...	„ 4th „ „ ...	9 6 1	.....	9 6 1
			Surroop Soonoowur ...	„ 4th „ „ ...	1 7 1	.....	1 7 1
			Chunderbeer Thappa ...	„ 4th „ „ ...	16 3 8	.....	16 3 8
			Singbeer Josee ...	„ 6th „ „ ...	84 6 7	.....	84 6 7
			Singbeer Lamah ...	„ 6th „ „ ...	7 15 11	.....	7 15 11
			Ramdoss Nuggur Kotee ...	„ 6th „ „ ...	15 15 1	.....	15 15 1
			Chumput Sing ...	„ 6th „ „ ...	23 3 11	.....	23 3 11
			Futtybeer Rye ...	„ 6th „ „ ...	30 15 0	.....	30 15 0
			Chunderbeer ...	„ 7th „ „ ...	23 10 9	.....	23 10 9
			Run Sing ...	„ 8th „ „ ...	54 7 8	.....	54 7 8
			Ummur Sing ...	„ 9th „ „ ...	5 14 1	.....	5 14 1
			Kurbeer Thappa ...	„ 10th „ „ ...	21 5 11	.....	21 5 11
			Bajburn Ranah ..	„ 10th „ „ ...	24 9 6	.....	24 9 6
			Thuwan Sing Ranah ...	„ 10th „ „ ...	12 4 9	.....	12 4 9
			Sen Ram Kumee ...	„ 11th „ „ ...	2 7 2	.....	2 7 2
			Dirgamul Takoor ...	„ 11th „ „ ...	2 5 4	.....	2 5 4
			Bahadoor Rye ..	„ 11th „ „ ...	3 2 1	.....	3 2 1
			Hurk Beer Ram ...	„ 11th „ „ ...	10 0 0	.....	10 0 0
No. 270, dated 31st May 1864.	June 8, 1864 ...	Major W. J. F. Stafford, Comdg. 22nd P. Regt. N. I.	Jeewan ...	„ 1st Co., 22nd P. Regt N. I. ...	32 4 0	.....	32 4 0
			Maha Sing ...	„ 3rd „ „ ...	10 12 6	.....	10 12 6
			Ram Sing ...	„ 6th „ „ ...	66 6 10	.....	66 6 10
			Shaick Kulloo ...	„ 8th „ „ ...	135 0 6	.....	135 0 6

167, dated 9th June 864.	June 8, 1864 ...	Lieut. Col. J. T. Shakespear, Comdg 8th Regt. N. I.	Purson Opadia ...	Jemadar, 8th Regt. N. I ...	291 3 0	.....	291 3 0
			Rajbunsee ...	Sepoy, 8th " ...	39 0 0	.....	39 0 0
			Thakoor Sing ..	" 8th " ...	17 8 0	.....	17 8 0
			Oomrao Sing ...	" 8th " ...	16 8 11	.....	16 8 11
			Hitloll Sing ...	" 8th " ...	18 7 6	.....	18 7 6
			Shaick Kurimbux ..	" 8th " ...	12 0 11	.....	12 0 11
			Kalka Opadia ...	" 8th " ...	12 3 4	.....	12 3 4
Statement dated 1st June 1864	June 14, 1864 ...	Col. Mulcaster, Comdg. 5th Bengal Cavalry	Dirigpaul Sing ...	Sowar, 5th Bengal Cavalry ...	311 6 6	.....	311 6 6
			Thakoor Sing ...	" 5th " ...	28 3 3	.....	28 3 3
			Matapalt ...	" 5th " ...	67 3 3	.....	67 3 3
			Dookee ..	Syce, 5th " ...	41 6 0	.....	41 6 0
			Kulleedeen ...	" 5th " ...	15 9 9	.....	15 9 9
			Persaud ...	" 5th " ...	33 15 0	.....	33 15 0
			Syce of Matapalt ...	" 5th " ...	1 4 3	.....	1 4 3
			Syce Dooman of Daffr. Emam Buksh ...	" 5th " ...	4 10 2	.....	4 10 2
			Syce Subroo of Resuldar Hemuet Allie ...	" 5th " ...	4 8 0	.....	4 8 0
No. 339, dated 27th June 1864.	July 8, 1864 ...	Major W. J. F. Stafford, Comdg. 22nd Regt. P. N. I.	Imam Buksh ..	Sepoy, 4th Co., 22nd Regt. N. I. ...	15 1 1	.....	15 1 1
No. 77, dated 27th June 1864.	Ditto ...	Capt. J. J. Tytler, Comdg. 4th Goorkha Regt	Kurnbeer Thappa ...	Sepoy, No. 1, 4th Goorkha Regt. ...	29 8 8	.....	29 8 8
			Beerbhan Thappa ...	" No. 1 " ...	26 5 1	.....	26 5 1
			Sobhan Ghirtee ...	" No. 2 " ...	19 8 9	.....	19 8 9
			Kalloo Goorung ...	" No. 1 " ..	29 10 9	.....	29 10 9
			Rutnabeer Thappa ...	" No. 1 " ...	25 8 10	.....	25 8 10
No. 196, dated 8th July 1864	July 13, 1864 ..	Lieut. Col. Shakespeare, Comdg. 8th Regt. N I	Girwin ..	Sepoy, 8th Regt. N. I. ...	33 13 7	.....	33 13 7
			Girdhary Sing ...	" 8th " ...	52 4 8	.....	52 4 8
			Seetul Sing ..	" 8th " ...	1 4 11	.....	1 4 11
			Ramsurn ...	" 8th " ...	14 5 8	.....	14 5 8
			Ramdeen ...	" 8th " ...	37 4 6	.....	37 4 6
			Sewpursad Sing ...	" 8th " ...	76 10 5	.....	76 10 5
			Gooman Sing ...	" 8th " ...	83 12 7	.....	83 12 7
			Unnawrag Pandy ...	" 8th " ...	8 8 11	.....	8 8 11
			Bissundial Sing ...	" 8th " ...	9 15 0	.....	9 15 0
			Shaick Ajeemoola ...	Bhistie, 8th " ...	6 5 7	.....	6 5 7
No. 91, dated 12th July 1864.	July 21, 1864 ...	Capt. A Tytler, Comdg 4th Goorkhas.	Bhudrabeer Khuttree ..	Sepoy, 7th Co., 4th Goorkha Regt. ...	11 14 8	.....	11 14 8
			Bagmull Bhundarie ...	" 8th " " ...	22 9 3	.....	22 9 3
			Luchmun Ghirtee ...	" 8th " " ...	24 15 9	.....	24 15 9
No. 388, dated 25th July 1864.	Aug. 1, 1864 ...	Major W. J. F. Stafford, Comdg. 22nd P. Regt. N. I.	Illahee Buksh ...	Bhistie, 2nd Co., 22nd Regt. N. I. ...	324 0 4	.....	324 0 4

Statement of Sums deposited in the Presidency Pay Office, &c.,—continued.

No. and Date of Letters with which received.	Date of Deposit.	From whom Received.	Names of the Parties.	Rank and Corps.	Amount Deposited.	Amount Paid.	Amount remaining Unpaid.
					Rs. A. P.	Rs. A. P.	Rs. A. P.
No. 106, dated 5th August 1864.	Aug. 16, 1864 ...	Major R. L. Germon, Comdg. 16th Lucknow Regt.	Bhowaneebux Sing ...	Sepoy, 1st Co., Regt. of Lucknow, 16th N. I.	13 4 6	.....	13 4 6
			Doorgah ...	„ 4th „ „ ...	49 10 9	.....	49 10 9
			Gujadhur Sing ...	„ 5th „ „ ...	5 1 6	.....	5 1 6
			Dhoomun Khan ...	„ 5th „ „ ...	12 5 0	.....	12 5 0
			Mhirwan Sing ...	„ 8th „ „ ...	31 4 0	.....	31 4 0
			Moonnah ...	„ 4th „ „ ...	24 6 3	.....	24 6 3
			Bahadoor Sing ...	„ 6th „ „ ...	3 1 9	.....	3 1 9
			Munraj Khan ...	„ 5th „ „ ..	10 3 6	.....	10 3 6
			Sewnundun Sing ...	„ 7th „ „ ...	8 9 3	.....	8 9 3
			Ram Churn Tewary ...	„ 2nd „ „ ...	8 4 9	.....	8 4 9
			Ramdeen Tewary ...	„ 6th „ „ ...	8 13 0	.....	8 13 0
List dated 6th August 1864.	Aug. 17, 1864 ...	Major Gascoine, Comdg. 2nd Regt. Sikh Infy.	Jowahir ...	Sangry, 2nd Regt. S. I. ...	10 2 0	.....	10 2 0
			Meda ...	Syce, 2nd „ ...	10 2 1	.....	10 2 1
			Cheta ...	„ 2nd „ ...	9 13 2	.....	9 13 2
			Kadir ...	Surwan, 2nd „ ...	5 0 0	.....	5 0 0
			Ramsahai ...	Sepoy, 4th Co., 2nd Regt. S I. ...	15 0 9	.....	15 0 9
			Mosoo ...	„ 4th „ „ ...	22 10 1	.....	22 10 1
No. 81, dated 13th August 1864.	Aug. 23, 1864 ...	Lieut. Fredck. E. Lewes, Offg. Comdt., No. 1, P. L. Field Battery	Sohora ...	Syce, No. 1, Punjab Lt. Fd. By. ...	2 14 6	.....	2 14 6
			Hussoo ...	„ No. 1 „ ...	3 13 9	.....	3 13 9
			Boota ...	„ No. 1 „ ...	6 4 10	.....	6 4 10
			Perawtee ...	Jorawalla, G. C., No. 1 Punjab Lt. Fd. By.	6 14 5	.....	6 14 5
			Futtoo ...	„ No. 1 „ ...	0 11 8	.....	0 11 8
			Sumai ...	Single, No. 1 Punjab Lt. Fd. By. ...	7 11 2	.....	7 11 2
			Rutta ...	Bhistie, No. 1 „ ...	6 9 6	.....	6 9 6
No. 237, dated 10th September 1864.	Sept. 13, 1864 ...	Capt. Glasse, Comdg. 21st Regt. N. I.	Purbatee ...	Sepoy, 6th Co., 21st Regt. P. N. I. ...	65 10 0	.....	65 10 0
			Atar Sing ...	„ „ 8th „ ...	27 3 1	.....	27 3 1
No. 28, dated 12th September 1864.	Oct. 19, 1864 ...	Lieut. H. C. Jarrett, Comdg. Left Wing, 28th Regt. P. I.	Sheikh Deena ...	Sepoy, 5th „ 28th Regt. P. I. ...	10 2 11	.....	10 2 11
			Foujdara ...	„ Lt. „ „ ...	16 14 8	.....	16 14 8
			Mungoo ...	Bhistie, „ „ ...	30 4 4	.....	30 4 4
No. 47, dated 14th October 1864.	Oct. 21, 1864 ...	Ditto.	Utter Sing ...	Sepoy, 7th Co., 28th Regt. P. I. ...	83 15 0	.....	83 15 0
No. 253, dated 25th October 1864.	Nov. 4, 1864 ...	Col. W. F. Nuthall, Comdg. 3rd Regt. N. I.	Shaick Mahomed Ally ...	Naick, 2nd Co., 3rd Regt. N. I. ...	8 6 0	.....	8 6 0
			Sirdar Khan ...	Sepoys, 3rd „ „ ...	26 5 2	.....	26 5 2
			Hussun Mahomed Khan ...	„ 3rd „ „ ...	4 1 7	.....	4 1 7

Statement dated 16th November 1864.	Nov. 22, 1864 ...	Pay Master, Allahabad.	...	Goordut Sing Grenu Sing Noor Allie Baichoe Khan Fyzollah Khan Jowaher Sing Shere Khan Hazara Sing	...	Sowur, Benares Horse " " " " " " " "	...	15 12 2 9 5 1 142 3 6 73 14 9 88 0 0 2 14 0 175 0 0 0 15 3	...	15 12 2 9 5 1 142 3 6 73 14 9 88 0 0 2 14 0 175 0 0 0 15 3	...	15 12 2 9 5 1 142 3 6 73 14 9 88 0 0 2 14 0 175 0 0 0 15 3	Rupees ...	7,240 4 9	556 11 4	6,683 9 5

4th April 1864, Boodal Khan and Ramdeen, Syce Drivers; four Medals deposited with the Bank of Bengal.

FORT WILLIAM, PAY OFFICE,
The 31st December 1864.

L. S. CARTER, *Lieut.*,
Offg. Presidency Pay Master.

H. W. NORMAN, *Colonel*,
Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

ESTABLISHMENT.

No. 131.

Fort William, the 7th April 1865.

NOTIFICATIONS.

The following promotions and changes are made, with effect from 1st April 1865, in accordance with Public Works Department Standing Order No. 13 of 1865 :—

Special Assistant Engineers to be Executive Engineers, 4th Grade.

Captain W. H. Burton, R. E., Hyderabad.
" D. J. P. Campbell, M. S. C., Mysore.
Major T. J. H. Keyes, M. I., Central Provinces.

Lieutenant J. M. Mc'Neile, R. E., Lighthouses (Local Rank).

Mr. J. H. McRae, Oudh.

Lieutenant J. H. Bedford, R. E., Rajpootana.

Mr. E. Hyde, British Burmah.
" R. Tyndall, Central Provinces.
" J. H. Wilson, ditto.

Probationary Assistant Engineers to be Assistant Engineers, 2nd Grade.

Lieutenant W. G. Cumming, R. E., British Burmah.

Lieutenant C. E. Shepherd, R. E., Central Provinces.

Probationary Assistant Engineers to be Assistant Engineers, 3rd Grade, on probation.

Mr. J. M. Algie, British Burmah.
" R. C. Anderson, Central Provinces.
" A. B. Gatherer, Mysore.
" H. W. Hughes, Oudh.
" W. Scott, Central Provinces.

No. 132.

The under-mentioned Military Overseers of the 2nd and 3rd Grades are promoted to Overseer, 1st Grade, with effect from the 1st April 1865, in accordance with Public Works Department Standing Order No. 85 of 1864 :—

Sub-Conductor J. Adams, British Burmah.

Sergeant J. Anderson, Central Provinces.
" A. Buchanan, ditto
" R. Dunlop, Oudh.*
" T. J. Jennings, Central Provinces.
" J. Keenan, Mysore.
" J. Kennedy, Central Provinces.*
" P. Kelly, British Burmah.*
" W. Moore, Hyderabad.*
" E. Tarrant, Central Provinces.
" S. G. Walshe, Oudh.
" A. Watson, Hyderabad.

Corporal P. Barrow, Central Provinces—(Temporary).
Corporal R. Cooper, Central Provinces.
" R. Green, Mysore.
" J. Heywood, ditto.
" J. Hill, ditto.
" R. S. Lindsay, Central Provinces.
" C. F. Lindsay, British Burmah.

* These Subordinates are to be considered on probation under the rules hitherto applicable to Probationary Assistant Overseers.

Corporal W. Ramsden, Central Provinces.
" T. Rooney, Mysore.
" A. Scott, Central Provinces.
" J. F. Slade, Hyderabad.*
" J. Telford, Coorg.
" J. Thomas, Rajpootana.*
" C. Wells, Central Provinces.
" R. Walkinshaw, Central Provinces.
" T. Walton, Central Provinces—(Temporary).

Gunner C. Munro, Central Provinces.*
" W. H. Nicol, Oudh.*
" T. W. Smith, British Burmah.*
" J. Southon, Oudh.*

Private J. Jennings, Central Provinces.
" J. McCawley, ditto.
" J. McEwen, ditto.*
" J. Parrott, British Burmah.*
" J. Paul, Central Provinces.*
" W. Scott, Oudh.
" E. J. Tennant, British Burmah.*

No. 133.

Mr. J. H. Wilson, Executive Engineer, 4th Grade, Central Provinces, passed the examination in Hindoostanee on the 26th January 1865.

No. 134.

Erratum.—In Notification No. 367 of 21st December 1864, read 15*th July* 1864 in lieu of 22*nd October* 1864.

No. 135.

The 10*th April* 1865.

Erratum.—In the portion of Notification No. 100, dated the 22nd March 1865, cancelling the transfer of Captain F. G. S. Parker, for the words "*from the Punjab to Hyderabad,*" read *from North-Western Provinces to Hyderabad.*

No. 136.

The 11*th April* 1865.

Mr. W. H. Pigott, Accountant, 2nd grade, Central Provinces, is granted two months' leave of absence on medical certificate, in addition to the six months granted him in Public Works Notification No. 307 of 10th November 1864.

No. 137.

Captain D. Ward, Executive Engineer, 3rd grade, Officiating Executive Engineer of the Lucknow Division, is confirmed in that appointment from the 1st March 1865.

No. 138.

The two under-mentioned Officers of the Public Works Department have been granted, by the Right Hon'ble the Secretary of State for India, extension of leave on medical certificate for the periods specified against their names:—

Mr. C. C. Anderson	6 months.
" J. D. Smith	6 "

* These Subordinates are to be considered on probation under the rules hitherto applicable to Probationary Assistant Overseers.

No. 139.

Deputy Commissary J. Brooke, having been admitted to pension from the 31st March 1865, his name is, at his own request, struck off the Rolls of the Public Works Establishment.

No. 140.

The 12*th April* 1865.

Mr. J. W. Henry, Assistant Engineer, 1st grade, Central Provinces, is transferred to Rajpootana.

No. 141.

Mr. J. M. Span is appointed to the Public Works Department as an Assistant Engineer, 1st grade, and posted to the Central Provinces.

C. H. DICKENS, *Lieut. Colonel,* R. A.,
Secy. to the Govt. of India

No. 142.

The 13*th April* 1865.

Erratum.—In Notification No. 115 of the 28th ultimo, granting three months' privilege leave to Major R. H. Sankey, R. E., Executive Engineer, 1st Class, and Assistant to Chief Engineer, Mysore, for "24*th March* 1865," read 23*rd March* 1865.

No. 143.

In continuation of Notification No. 71, dated 1st March, the special work on which Captain R. B. Pemberton, R. E., is engaged being so far completed that he can discharge his proper duties as Assistant Secretary to the Government of India, in the Public Works Department, the services of Captain W. Jeffreys, R. E., are no longer required in the Secretariat. His services are therefore replaced at the disposal of the Government North-Western Provinces, with effect from the 18th April 1865.

No. 6.

REVENUE FORESTS.

Leave of absence for twelve months on medical certificate is granted to Mr. D. Brandis, Inspector General of Forests to the Government of India. During the absence of Mr. Brandis, or until further notice, Captain Williams, R. E., Under Secretary to the Government of India, in the Public Works Department, will take charge of the Office of Inspector General of Forests.

A. B. SAMPSON,
Asst. Secy., for Secy. to the Govt. of India.

ADVERTISEMENTS.

NOTICE.

Required for the Akyab Treasury Department a Head Clerk, salary, Rs. 200 per mensem. None need apply who have not good testimonials, both of their ability to fulfil the duties of the Office and general good character.

AKYAB,
DEPY. COMMR.'S OFFICE;
The 25*th March* 1865.
E. J. SPILSBURY.
Depy. Commr.

Statement of Government Promissory Notes enfaced for Payment of Interest in London, showing the total Amount outstanding according to the Registers received in this Office up to 7th April 1865.

	4 per cent. of 1824-25.	4 per cent. of 1828-29.	4 per cent. of 1832-33.	4 per cent. of 1835-36.	4 per cent. of 1842-43.	4 per cent. of 1854-55.	5 per cent. Public Works of 1854-55.	5 per cent. of 1856-57.	5½ per cent. of 1859-60.	3½ per cent. of 1853-54.	4½ per cent. of 1856-57.	Total Rs.
Amount brought forward from Statement dated 27th March 1865	53,000	300	25,55,000	23,12,000	96,18,500	66,66,600	33,13,200	4,82,67,100	2,43,78,600	17,600	16,000	9,71,97,900
ADD—												
Amount enfaced at Madras, as per Registers received up to date...	...	...	...	...	...	..	...	...	...	...	...	...
Amount enfaced at Bombay, as per ditto ditto ditto ...	...	...	...	...	...	...	...	81,000		...	...	81,000
Amount enfaced at Calcutta up to date	..	..	6,000	...	4,200	1,600	10,600	1,04,300	5,65,700	...	...	6,92,400
Total ...	53,000	300	25,61,000	23,12,000	96,22,700	66,68,200	33,23,800	4,84,52,400	2,49,44,300	17,600	16,000	9,79,71,300
DEDUCT—												
Amount removed from the London Books, as per Registers received up to date ..	...	...	43,500	..	500	...	2,000	3,500	...	...	...	49,500
Total ...	53,000	300	25,17,500	23,12,000	96,22,200	66,68,200	33,21,800	4,84,48,900	2,49,44,300	17,600	16,000	9,79,21,800

FORT WILLIAM;
LOAN OFFICE,
The 12*th April* 1865.

R. P. HARRISON,
Acctt. Genl. to the Govt. of India.

DECLARATION.

Whereas it appears to His Excellency the Governor General in Council that land is required to be taken up at the public expense for a public purpose, viz., for encamping grounds on the road from Lucknow to Seetapore, it is hereby notified that land to the extent and at the places specified in statement appended is appropriated for the above purpose.

This declaration is made under Section 2, Act VI of 1857.

LUCKNOW, *The 28th March* 1865.

W. D. BRUCE, C. E., *Asst. Secy. to the Chief Commr., Oudh, D. P. W.*

Statement of Land required in the Seetapore District for public purposes, i. e., for Encamping Grounds on the Seetapore—Lucknow Road.

Name of Road	Name of Encamping Ground.	Name of Village in which Land is required.	Area in Acres. Acres.	Roods.	Poles.	Remarks.
	Julalpore	Julalpore ...	29	3	5	
		Shahpore ..	2	3	31	
		Krishnapore ...	...	...	11	
	Total area required for Julalpore ..		32	3	7	
	Bahadoorpore ...	Bahadoorpore ..	32	2	22	
		Sidhowly .	.	...	25	
	Total area required for Bahadoorpore ..		32	3	7	
		Grand Total	65	2	14	

COMMISSIONER'S OFFICE; KHYRABAD DIVISION, *The 28th September* 1864.

(Signed) E. THOMPSON, *Offg. Commissioner.*

FOR SALE,

A COLLECTION of TREATIES, ENGAGEMENTS, and SUNNUDS, relating to India and neighbouring countries, compiled by C. U. Aitchison, B. C. S., Under Secretary to the Government of India in the Foreign Department. Price, Five Rupees per volume.

VOLUME I.—Containing the Treaties, &c., relating to Bengal, Burmah, and the Eastern Archipelago. Super royal, 8vo. pp. 372, with three Maps.

VOLUME II.—Containing the Treaties, &c., relating to the North-Western Provinces, Oudh, Nepal, the Punjab, and the States on the Punjab Frontier. Super royal, 8vo. pp. 456, with two Maps.

VOLUME III.—Containing the Treaties, &c., relating to the Peishwa, Nagpoor, and Bundlecund. Super royal, 8vo. pp. 588.

VOLUME IV.—Containing Treaties, &c., relating to the States in Rajpootana, Central India, and Malwa.

VOLUME V.—Containing Treaties, &c., relating to Hyderabad, Mysore, and Coorg, the Madras Presidency, and Ceylon.

VOLUME VI.—Containing Treaties, &c., relating to the States within the Bombay Presidency.

NOTICE.

Lost in transit by Post between Dumoh and Calcutta the 1st halves of Central Provinces Currency Notes, Nos. 60417 and 60118, for Rs. 20 each. Notice has been sent to the Offices of Issue at Nagpore and Calcutta.

PRELIMINARY ANNOUNCEMENT.

IMPORTANT INDIGO FACTORIES FOR SALE.

To be sold by Public Auction on or about the 20th instant (unless previously disposed of by private contract)—

By order of the Mortgagees,

The well-known Indigo Factories called the Allumchund Concern, at Allahabad, with valuable Talook property attached thereto and Koontee crop now in the ground,

also

The Koorsun Factory, Allahabad, with Koontee crop, both lately the property of N. Flouest, Esq., deceased. Further particulars and conditions of sale will be published, and in the mean while applications to be made to Messrs. W. Moran and Co., Old Mint Mart, Calcutta, and Messrs. Barrow, Sen, and Watson, Old Post Office Street, Calcutta.

Printed and Published for the Government of India, by O. T. CUTTER, *at the Military Orphan Press.*

No. 13.

SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, APRIL 15, 1865.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees four annas if sent by Post.*

No Official Orders or Notifications the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

Government of India.

Abstract of the Proceedings of the Council of the Governor General of India assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament, 24 and 25 Vic., cap. 67.

The Council met at Government House on Friday, the 7th April 1865.

PRESENT:

His Excellency the Viceroy and Governor General of India, *presiding*.

His Honour the Lieutenant Governor of Bengal.

The Hon'ble H. B. Harington.

The Hon'ble W. Grey.

The Hon'bl G. Noble Taylor.

The Hon'ble H. L. Anderson.

The Hon'ble W. Muir.

The Hon'ble R. N. Cust.

The Hon'ble D. Cowie.

STAMP ACT AMENDMENT BILL.

The Hon'ble MR. HARINGTON moved that the Report of the Select Committee on the Bill to amend Act X of 1862 (to consolidate and amend the law relating to Stamp-duties) be taken into consideration. He said that the Select Committee had proposed two additions to the Bill as introduced. One of the additions, which was suggested by his Hon'ble Colleague Mr. Grey, empowered the Governor General of India in Council to reduce or altogether to remit the Stamp-duty prescribed by Act X of 1862 on any of the deeds specified in the Act in the case of any particular class of persons, or of individual members of any particular class of persons; the other extended to Courts of Small Causes, consituted in Military Cantonments under the Cantonment Magistrates' Act which was passed last year, the provision contained in the present Stamp Act under which Stamp-duty was charged on petitions of plaint in suits of a small amount instituted in Military Courts of Requests or Courts of Cantonment Joint Magistrates exercising Civil jurisdiction, at a lower rate than in the same class of suits when brought in the ordinary Civil Courts and Courts of Small Causes. He had no doubt that the framers of the Act of last year intended that the provision referred to should apply to Courts of Small Causes constituted under the Act, though owing apparently to an oversight the point was not expressly provided for.

The Hon'ble MR. COWIE said that his Hon'ble friend Mr. Bullen, who was a Member of the Select Committee on this Bill, but was unable to attend the Council to-day, had asked him to call His Excellency's pointed attention to that paragraph of the Report which referred to the stamps levied upon instruments transferring property held in trust, where no consideration money passed. The state of society in India was so fluctuating that changes of Trustees were very frequent, and the heavy stamps charged upon transfer of trust funds pressed hardly upon the parties interested, often widows and orphans. He concurred with his Hon'ble Colleague in asking the earliest attention of His Excellency and the Executive Government to the exercise of the power granted in this Bill by removing the Stamp-duties on such transactions. He believed that, in English transfers where no consideration money passed, a nominal stamp of five shillings only was required.

The Hon'ble MR. HARINGTON said, with reference to what had fallen from his Hon'ble Colleague Mr. Cowie in respect to the addition which had been proposed to be made to the Bill for exempting from Stamp-duty instruments transferring property held in trust where no money passed, he wished to observe that it appeared to

the Select Committee that the proposed addition would go beyond the scope of the present Bill, which had been introduced simply to meet an emergency which had actually occurred. There were other amendments which had been proposed in the Stamp Act; but these also had been left to be considered whenever the Act came under a general revision. The Select Committee had certainly observed, as noticed by Mr. Cowie, that, under the Bill as now framed, it would be in the power of the Governor General of India in Council to reduce the rate of duty on the particular instruments mentioned by Mr. Cowie, but any application for such reduction should be made to the Executive Government.

The Motion was put and agreed to.

The Hon'ble Mr Harington also moved that the Bill as amended be passed.

The Motion was put and agreed to.

Civil and Criminal Courts (Punjab) Bill.

The Hon'ble Mr. Cust moved that the Report of the Select Committee on the Bill to define the jurisdiction of the Courts of Judicature of the Punjab and its Dependencies, be taken into consideration. He said that the alterations made by the Select Committee were not very material. Individually he had not been able to concur in them all, but he thought it right to defer to the unanimous opinion of the other Members of the Committee.

The Motion was put and agreed to.

The Hon'ble Mr. Cust also moved that the Bill as amended be passed

The Motion was put and agreed to.

Advocates' and Attorneys' (North-Western Provinces) Bill.

The Hon'ble Mr. Harington moved that the Report of the Select Committee on the Bill to regulate the admission, removal, and remuneration of Advocates and Attorneys in the Civil and Criminal Courts and Revenue Offices of the North-Western Provinces of the Presidency of Bengal, be taken into consideration. He said that in presenting the Report of the Select Committee he observed that the Bill, in its passage through Committee, had undergone such numerous, great, and important changes, that if the Bill should pass into law, altered as proposed by the Select Committee, it would bear but a faint resemblance to the Bill as introduced; and claiming for the several amendments, suggested by the Select Committee, the merit of being in a greater or less degree improvements upon the Bill, as introduced, he proceeded to remark that, before the Council were called upon to consider those amendments, he thought it would be right that the Bill should be published for a certain time in the *Gazette of India* in order that the public at large, and particularly that portion of it whose interests would be chiefly affected by the Bill, might be made aware of what was intended, and have an opportunity of offering any remarks upon the Bill, altered as proposed, or of stating any objections to the alterations made in the Bill by the Select Committee. He moved, therefore, that the Bill be published for three weeks, and the motion having been assented to, the Bill was published accordingly. Notwithstanding the comparatively short time that the Bill had been before the public, the result of the publication had been that they had received a very valuable communication on the subject of the Bill from the Judges of the High Court at Calcutta, together with a Minute by the Hon'ble Mr. Seton-Karr, one of the learned Judges of the Court, and several petitions from the Vakeels and Mookhtars of the High Court and of other Courts, in which the petitioners had set forth at length their objections to the Bill He had also been favoured with a letter from the Hon'ble and learned Chief Justice of the High Court at Calcutta containing many practical suggestions, the adoption of which appeared to him desirable and likely to conduce to the satisfactory working of the Bill. All these communications had been most carefully considered, and he had been led, in reference to what was stated therein, whether by way of suggestion, or as objections to the Bill, as settled by the Select Committee, to propose several amendments, some of which were very important. The amendments proposed by him in the Bill, and which he believed had the general concurrence of the other Members of the Select Committee to which the Bill was referred, were printed in italics in the copy of the Bill circulated to Hon'ble Members yesterday. It had been objected to the Bill, as settled by the Select Committee, that it would materially interfere with, and, indeed, set aside that portion of the Letters Patent for constituting High Courts of Judicature at Calcutta, Madras, and Bombay, which related to the appointment and removal of the Vakeels in those Courts, and a doubt had been expressed as to the competency of this Council to alter this part of the Letters Patent or to legislate on the subject He considered that there was some force in this objection; but assuming that this Council, in the exercise of its general functions, had power to make rules by the passing of a law such as was now under consideration, for regulating the appointment and removal of Vakeels and Mookhtars in the High Courts, he was disposed to think that it would not be expedient to exercise the power in the present Bill, and he proposed, therefore, that the Vakeels and Mookhtars of the High Courts should be excluded from the operation of the general provisions of the Bill. He did not see how they could in any other way avoid making distinctions between the several classes of legal practitioners in the High Court which would be very invidious, and would certainly give rise to much discontent for which he thought there would be some ground It was scarcely necessary for him to say that, as regarded character and qualifications, there was a very great difference between the Vakeels and Mookhtars practising in the High Courts and the same classes of practitioners elsewhere, and that, however necessary it might be to legislate at this time for the latter classes, the same necessity did not exist in respect of the former classes. He also proposed to place the Vakeels of the High Courts on a footing of equality with the learned Barristers and Attornies-at-law in those Courts as regarded practising in other Courts. The Vakeels of the High Courts were now at liberty to practise in any of the Mofussil Courts, and he did not think that they should be deprived of this power by the present Bill. The Vakeels naturally attached great importance to the retention of the privilege, and he was of opinion that it might be continued to them, not only with perfect safety, but with great public advantage. These were the most important alterations proposed by him in the Bill. There were some other altera-

tions which he had proposed in accordance with the recommendations of the Chief Justice and the other Judges of the High Court. With regard to the petitions which had been received from certain Vakeels and Mookhtars in the Mofussil, he did not think that the objections taken in them to the Bill were deserving of attention or called for particular notice. For the most part these objections raised questions rather of private than of public interest, and when these two interests came into conflict, as a rule, private interests should give way. It was proper he should notice that the present Bill would not disturb or interfere with the rights or privileges of any Vakeels who were now practising in any Court, provided they enrolled themselves as directed in the Bill, nor would it prevent any person who was qualified to practise as a Vakeel under any law or rule having the force of law from so practising, subject to the provision just mentioned. The Bill certainly required that the Vakeels, enrolled under its provisions, should, at the end of each year, renew the certificates under which, after the Bill came into operation, they would practise, and that upon such renewal they should pay a moderate fee; but this requirement only followed the rule at home in respect to certain classes of legal practitioners. The Bill contained a similar provision in respect to the Mookhtars and Revenue Agents who were to be enrolled and admitted in the same manner as Vakeels. Considering the very great pecuniary advantages which these two classes of practitioners, equally with Vakeels enrolled under the Bill, would derive from being allowed to practise in the several Civil and Criminal Courts and Revenue Offices, subject to the conditions of the certificates held by them, he thought that the Government might fairly exact payment of the moderate fees proposed in the Bill both on the taking out and on the renewal of certificates, whether as a matter of public revenue or otherwise. No doubt, the Bill might seriously affect a large number of persons, who were now practising in the Courts and Revenue Offices in the Mofussil under the designation of Mookhtars, but this was unavoidable if anything was to be done in the way of legislation as regarded this class of practitioners. It was in reference to them and to their malpractices as a class, which were notorious, that he was led to bring in the present Bill. In asking for leave to introduce the Bill, he observed that, on this side of India, there was no law for regulating the admission and removal of Mookhtars, and that the consequence was that a large number of utterly untrustworthy and unfit persons had obtained admission into the Office, whereby the interests of justice and the character of the Courts had greatly suffered. If the effect of the present Bill should be to weed the class of Mookhtars of the large number of unfit and incompetent persons now practising as such, and to exclude them from appearing and practising in the Courts and Revenue Offices, it would be a legitimate consequence of the Bill, and was a result much to be desired. The object aimed at in the Bill was to raise the character of the Native Bar in the Mofussil, or rather to create a respectable and trustworthy Native Bar. What was called the Mofussil Native Bar did not deserve the name. For years past it had been a ground of complaint against the administration of justice in the Mofussil, that there was neither independence, honesty, nor professional learning amongst the members of the Native Bar. As regarded a large number of the Vakeels practising in the Mofussil, he was able of his own knowledge to say this charge was inapplicable; but taking the Vakeels in the Mofussil as a body, he was bound to admit that the complaint was certainly not unfounded. He trusted that the present Bill, as soon as it had been in force a sufficient time to admit of its provisions being carried fully into effect; would so operate as to remove all grounds for the complaints which he had mentioned, and that it would be the means of giving to the Courts and Revenue Offices in the Mofussil a respectable and trustworthy body of competent legal practitioners to aid them in the discharge of their duties. The Bill proposed that no one should be enrolled under its provisions as a Vakeel, Mookhtar, or Revenue Agent, who had not proved himself qualified in all respects for the Office by passing an examination to be conducted under proper rules. Once enrolled, no Vakeel, Mookhtar, or Revenue Agent would be liable to be suspended as a punishment, or dismissed, except by order of the High Court or other highest Appellate Court in the case of Vakeels and Mookhtars, or by order of the Revenue Board in the case of Revenue Agents. This would give security to the holders of the Office, and he hoped would produce that feeling of independence in which the present legal practitioners in the Mofussil were stated to be so deficient. He feared that the day was still very far distant when the Vakeels in the Mofussil, by their integrity, learning, and ability might claim to be on a par with the almost unrivalled English Bar in this country and at home, but he considered that this Bill was a large and important step in advance, or towards that end. He had no doubt that the Bill, altered as now proposed, would work very satisfactorily, and that, wherever introduced, it would tend greatly to improve the administration of Civil and Criminal Justice, as also the administration in the Revenue Department, so far as that was affected by the employment of Mookhtars or Agents representing other parties.

The Motion was put and agreed to.

The Hon'ble Mr. Harington also moved that the amendments shown in italics in the copies of the Bill last circulated be adopted.

The Motion was put and agreed to.

His Honour the Lieutenant Governor moved as an amendment that, in Section 10, paragraph (*c*), the words "in Regulation Provinces" and "in Non-Regulation Provinces" be omitted, and that in the same Section, paragraph (*g*) should stand thus:—

"In the Courts of the Commissioners of Circuit, Magistrates, and subordinate Magistrates; in the Sudder Ameens and Moonsiffs' Courts, and in the Courts of Assistant Commissioners, Extra Assistant Commissioners, and Tahsildars — — Rs. 8."

The Motion was put and agreed to.

The Hon'ble Mr. Muir moved the following amendment of which notice had not been given.

That Section 22 stand thus:—

"The stamp on such certificate, whether original or renewed, shall be of the following value:—

On a certificate authorizing the holder to practise as a Revenue Agent.

In the Board of Revenue or in any Office subordinate to the Board ...	Rs 15
In the Office of a Commissioner or in any Office subordinate to the Commissioner ...	,, 10
In the Office of a Collector or in any Office subordinate to a Collector ...	,, 5"

The Motion was put and agreed to.

The Hon'ble Mr. Harington moved that the last sentence of Section 44 should stand thus:—

"The rules, penalties, and fees so made, prescribed, and fixed, and every variation thereof shall be pub-

lished in three consecutive numbers of the Official Gazette."

The Motion was put and agreed to.

The Hon'ble Mr. HARINGTON then moved that the Bill as amended be passed.

The Motion was put and agreed to.

MUNICIPAL ACT (LUCKNOW) AMENDMENT BILL.

The Hon'ble Mr. CUST moved for leave to introduce a Bill to amend Act No. XVIII of 1864 (to provide for the appointment of a Municipal Committee for the City of Lucknow). He remarked that last year an Act was passed by the Council to provide for the appointment of a Municipal Committee in the city of Lucknow, and by Section 21 the Governor General in Council was empowered by an order in the Gazette to extend this Act to any other place under the immediate administration of the Government of India. It was overlooked at the time, that provision which might be very suitable for one of the largest cities in India—Lucknow—might not entirely be adapted to smaller places, where, nevertheless, Municipal government was highly desirable. Such had proved to be the case, and it appeared that every Municipal Committee must by law consist of no less than 25 members, whereas it was stated to be impossible to constitute, in some places, a Committee consisting of so large a number of competent members; and this had proved an obstacle to the extension of the Act to Fyzabad, a place in every other respect very suitable for Municipal institutions.

The Motion was put and agreed to.

SUCCESSION AND INHERITANCE (PARSEES') BILL.

The Hon'ble MR. ANDERSON moved that the Report of the Select Committee on the Bill to define and amend the law relating to Succession and Inheritance among the Parsees, be taken into consideration. He said—"The object of the Bill is to relieve the Parsees from the operation of that portion of the Indian Succession Act, 1865, which related to intestate property, and to state the provisions by which partition of such property should be regulated for that community. The only alteration of importance made by the Select Committee is the addition of a Section stating the particular clauses of the Indian Succession Act from which the Parsees are to be exempted. This provision could not be introduced into the original Bill, because the Indian Succession Act had not then become law. I mentioned, however, when I obtained leave to introduce the Bill, that I should in Committee move the addition of the clause to which I now advert. The other alterations made by the Select Committee are merely verbal.

The Bill, then, as it now stands, has two prominent features—first, it exempts Parsees from the provisions of the Indian Succession Act relative to intestate property; secondly, it provides that the share of daughters in relation to such property shall be equal to one-fourth of the share of sons. The Indian Succession Act provides that daughters shall succeed equally with sons to intestate property. A large number of Parsees, principally residing in the Mofussil, consider that daughters should have no share at all, or at most only a minute fraction. The great majority of the Parsee community, and especially of those residing in Bombay, consider that the course proposed in the present Bill should be followed. That course, it will be observed, is a *viâ media* between the two extremes just stated.

I had expected to receive from Bombay a communication relative to this Bill. None, however, has reached me, and none, I am informed, has been received by the Government of India; but I some time ago received a private letter from the President of the Parsee Law Association, informing me that the Parsees approved of the Bill, and suggesting some amendments. These I placed before the Select Committee, but, on consideration, the Bill as it stands, was preferred. The only amendment of importance which was urged, was a suggestion that the Parsees should be exempted from the operation of the 108th Section of the Indian Succession Act,—the Section which may be called the Mortmain Section. My friend the President of the Parsee Law Association urged on me that this Section was inapplicable to Parsees, as they were in no degree priest-ridden. I would remark that the Section alluded to, imports into India the 9th Geo. II., cap. 36, commonly called the Statute of Mortmain. Now opinions may differ as to the propriety of that law; but it will be generally conceded that if such a law is made applicable to any portion of the community subject to the Succession Act, it must be made applicable to all who are so subject. I freely admit that the Parsees are not priest-ridden; but there is a principle which underlies all laws of Mortmain, and which addresses itself to a sentiment of deeper growth than priestly influence. That sentiment is the desire which many men of all creeds and races feel on their deathbeds to make terms, as it were, with the mysterious future by a liberality exercised at the expense of their heirs. It is one of the subtlest of those mixed questions of law and morals, to what extent a man is justified in influencing by testation the distribution of his property. The wisdom of successive generations has determined, with reference to this kind of testation, that there ought to be the most ample security, not merely that the testator is in possession of his faculties, but that his mind is in an entirely healthy state, capable of looking before and looking after, and in no way thrown off its balance by the fear of approaching dissolution. On considerations of this kind the laws of Mortmain have been founded, and to such considerations the Parsees are as subject as their fellow-men. I was unable, therefore, to recommend the amendment proposed by my friend to the Select Committee for adoption. And I may add that Parsees make such munificent use of their wealth during their lives, that the Legislature is bound to guard, in some measure, their heirs from any testamentary profusion in favour of public objects, which the fear of death may possibly suggest.

The Motion was put and agreed to.

The Hon'ble MR ANDERSON also moved that the Bill as amended be passed.

The Motion was put and agreed to.

His Excellency THE PRESIDENT said that, as this was the last meeting at which his Hon'ble friend Mr. Anderson would be present, he felt bound, before adjourning the Council, to express the regret which they all felt at losing the services of so able a member, and the hope which they all entertained that Mr. Anderson's successor would be like him.

The Council then adjourned.

WHITLEY STOKES,
Offg. Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

CALCUTTA,
The 7th April 1865.

Printed and Published for the Government of India, by O. T. CUTTER, *at the Military Orphan Press.*

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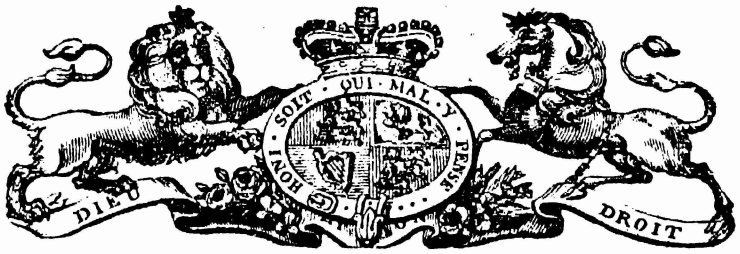

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, APRIL 22, 1865.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 7th April 1865, and is hereby promulgated for general information :—

Act No. XIV of 1865.

An Act to define the jurisdiction of the Courts of Civil Judicature in the Central Provinces.

Whereas it is expedient to define the jurisdiction of the Courts of Civil Judicature in the Central Provinces : It is enacted as follows :—

Short title.

1. This Act shall be called "The Central Provinces Courts' Act, 1865."

Interpretation Clause. "Assistant Commissioner."

2. In this Act—

"Assistant Commissioner" includes Extra Assistant Commissioner.

"District." "District Court." "Divisional Court."

3. For the purposes of this Act the local jurisdiction of a Deputy Commissioner shall be deemed a District, and the Court of such Deputy Commissioner shall be deemed the District Court. The local jurisdiction of a Commissioner shall, in like manner, be deemed a Division, and his Court a Divisional Court.

Grades of Courts in the Central Provinces.

4. There shall be eight grades of Courts in the Central Provinces, which shall be in addition to any Courts of Small Causes, and to any other Courts established under any Act which may hereafter be passed, namely :—

(1). The Court of the Tahsildar of the second class.

(2). The Court of the Tahsildar of the first class.

(3). The Court of the Assistant Commissioner of the third class.

(4). The Court of the Assistant Commissioner of the second class.

(5). The Court of the Assistant Commissioner of the first class.

(6). The Court of the Deputy Commissioner.

(7). The Court of the Commissioner.

(8). The Court of the Judicial Commissioner.

Chief Commissioner may declare grade to which a Tahsildar or Assistant Commissioner belongs.

5. Subject to any orders that may from time to time be issued by the Local Government, the Chief Commissioner shall have power to declare to which of the said grades any Tahsildar and any Assistant Commissioner shall belong.

Chief Commissioner may give Naib Tahsildars jurisdiction up to Fifty Rupees.

6. The Chief Commissioner may, with the sanction of the Local Government, invest any Naib Tahsildar with power to try and determine suits for money due, whether on bond or other contract, or for rent, or for personal property or for the value of such property, or for damages, when the debt, damage, or demand does not exceed in amount or value the sum of fifty Rupees, and to prescribe the local limits within which the Naib Tahsildar so invested shall exercise such power.

Jurisdiction of Court of Tahsildar of the second class.

7. The Court of the Tahsildar of the second class shall have power to try and determine suits of every description not exceeding one hundred Rupees in value or amount.

Jurisdiction of Court of Tahsildar of the first class.

8. The Court of the Tahsildar of the first class shall have power to try and determine suits of every description not exceeding three hundred Rupees in value or amount.

Jurisdiction of Court of Assistant Commissioner of the third class.

9. The Court of the Assistant Commissioner of the third class shall have power to try and determine suits of every description not exceeding five hundred Rupees in value or amount.

Jurisdiction of Court of Assistant Commissioner of the second class.

10. The Court of the Assistant Commissioner of the second class shall have power to try and determine suits of every description not exceeding one thousand Rupees in value or amount.

11. The Court of the Assistant Commissioner of the first class shall have power to try and determine suits of every description not exceeding five thousand Rupees in value or amount.

Jurisdiction of Court of Assistant Commissioner of the first class.

12. The Court of the Deputy Commissioner shall have power to try and determine suits of every description and of any amount, and to hear appeals from the original decisions in suits and (where an appeal is allowed by the Code of Civil Procedure) from the orders of the Courts of the first, second, third, and fourth grades respectively and of Naib Tahsildars invested as aforesaid.

Jurisdiction of Court of Deputy Commissioner.

13. The Court of the Commissioner shall have power to hear and determine appeals from the original decisions in suits and (where an appeal is allowed by the Code of Civil Procedure) from the orders of the Courts of the fifth and sixth grades.

Jurisdiction of Court of Commissioner.

14. The Court of the Judicial Commissioner shall have power to hear and determine appeals from the original decisions in suits and (where an appeal is allowed by the Code of Civil Procedure) from the orders of the Commissioners, and also applications for a special appeal as provided in the said Code from the decisions passed in regular appeal by the Deputy Commissioners and by the Commissioners of Divisions.

Jurisdiction of Court of Judicial Commissioner.

15. The memorandum of regular appeal prepared in the form, and containing the particulars, mentioned in the Code of Civil Procedure, shall be presented in the Court empowered to hear the appeal within the period hereinafter specified, unless the appellant shall show sufficient cause to the satisfaction of such Court for not having presented the memorandum of appeal within such period, that is to say, thirty days if the appeal lie to the Deputy Commissioner; six weeks if the appeal lie to the Commissioner of a Division, and ninety days if the appeal lie to the Judicial Commissioner. The period shall be reckoned from and exclusive of the day on which the decision or order appealed against was passed, and also exclusive of such time as may be requisite for obtaining a copy of the decree or order from which the appeal is made. Applications for special appeal shall be presented in the Court of the Judicial Commissioner within the period hereinbefore fixed for regular appeals.

Time for presenting appeals.

16. Whenever the state of the public business requires it, the Local Government shall have power to invest any person with the powers of a Commissioner or of a Deputy Commissioner in any part of the Central Provinces.

Local Government may invest any one with powers of Commissioner, or of Deputy Commissioner.

17. Every suit shall be instituted in the Court of the lowest grade competent to try it: Provided that no suit cognizable by a Court of Small Causes shall be heard or determined in any other Court having any jurisdiction within the local limits of the jurisdiction of such Court of Small Causes.

Court in which suit shall be instituted.

18. Except when otherwise provided in any Regulation or Act for the time being in force, an appeal shall lie from the decisions of the Courts of original jurisdiction to the Courts authorized by this Act to hear appeals from the decisions of those Courts.

Appeal to lie from all decisions except when expressly prohibited.

19. The Deputy Commissioner may direct the business in the Courts subordinate to him, holding their sittings at the same place, to be distributed among such Courts in such way as he shall think fit: Provided that no Court shall try any suit in which the amount or value of the claim shall exceed its proper jurisdiction.

Deputy Commissioner may distribute business among subordinate Courts.

20. The Commissioner of the Division or the Deputy Commissioner may withdraw any suit instituted in any Court subordinate to him, and try such suit himself or refer it for trial to any other such subordinate Court and competent in respect of the value or amount of the suit to try the same. The Commissioner of the Division may also withdraw any appeal instituted in the Court of any Deputy Commissioner subordinate to him and try the appeal himself or refer it for trial to the Court of any other Deputy Commissioner in his Division.

Transfer of suits from subordinate Court to Commissioner's or Deputy Commissioner's Court.

21. The Judicial Commissioner may order that the cognizance of any suit or appeal which shall be instituted in any Court subordinate to him not being a Court of Small Causes shall be transferred to any other such subordinate Court, competent in respect of the value of the subject-matter of the suit or appeal to try the same.

Judicial Commissioner may transfer suits from one subordinate Court to another.

22. If the suit be for any immovable property situate within the limits of different District Courts within the same Division, the suit may be brought in any Court otherwise competent to try it within the jurisdiction of which any portion of such property is situate, but in such case the Court in which the suit is brought shall apply to the Commissioner of the Division for authority to proceed with the suit; and such Commissioner after hearing the objections, if any, of the defendant, may give such authority. If the suit is brought in any Court subordinate to the Court of the Deputy Commissioner, the application shall be submitted to the Commissioner of the Division through the Deputy Commissioner to whom such Court is subordinate.

Suits for immovable property situate in different Districts.

23. If the District Courts within the limits of whose jurisdiction the immovable property is situate are subordinate to different Commissioners, the application shall be submitted to the Commissioner of the Division to whom the

Suits for immovable property situate in Districts subject to different Commissioners.

District Court in which the suit is brought is subordinate, and the Commissioner to whom such application is made may, after hearing the objections, if any, of the defendant, give authority to proceed with the suit.

Commencement of Act.

24. This Act shall commence and come into operation on the first day of May 1865.

Act may be extended to Oudh.

25. The Governor General of India in Council may, by an order to be published in the Official Gazette, extend the provisions of this Act to the Province of Oude, but not so as in any way to affect the provisions of Act XVI of 1865, (*to remove doubts as to the jurisdiction of the Revenue Courts in the Province of Oudh in suits relating to land, and to enlarge the period of limitation in such suits*). On and after such extension, the Civil Judge of Lucknow shall be considered a Deputy Commissioner, and the Assistant Judge of Lucknow an Assistant of the third class, within the meaning of this Act. Appeals from the decisions and orders of the Civil Judge of Lucknow, when allowed by the Code of Civil Procedure or any other law, shall lie as at present to the Court of the Judicial Commissioner.

WHITLEY STOKES,
Offg. Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 7th April 1865, and is hereby promulgated for general information:—

Act No. XV of 1865.

An Act to define and amend the law relating to Marriage and Divorce among the Parsees.

Preamble.

Whereas the Parsee Community has represented the necessity of defining and amending the law relating to Marriage and Divorce among Parsees; And whereas it is expedient that such law should be made conformable to the customs of the said community; It is enacted as follows:—

I.—*Preliminary.*

Short title.

1. This Act may be cited as "The Parsee Marriage and Divorce Act, 1865."

Interpretation clause.

2. In this Act, unless there be something repugnant in the subject or context—

Number.

Words in the singular number include the plural, and words in the plural number include the singular.

"Priest."

"Priest" means a Parsee Priest and includes Dastúr and Mobed.

"Marriage."

"Marriage" means a marriage between Parsees whether contracted before or after the commencement of this Act;

"Husband" and "Wife."

and "Husband" and "Wife" respectively mean a Parsee husband and a Parsee wife.

"Section."

"Section" means a Section of this Act.

"Chief Justice."

"Chief Justice" includes Senior Judge.

"Court."

"Court" means a Court constituted under this Act.

"British India."

"British India" means the Territories which are or shall be vested in Her Majesty or her successors by the Statute 21 and 22 Vic., cap. 106, entitled "An Act for the better Government of India."

"Local Government."

And, in any part of British India in which this Act operates, "Local Government" means the person authorized to administer Executive Government in such part of India, or the Chief Executive Officer of such part when it is under the immediate administration of the Governor General of India in Council, and when such Officer shall be authorized to exercise the powers vested by this Act in a Local Government; and

"High Court."

"High Court" means the highest Civil Court of appeal in such part.

II.—*Of Marriages between Parsees.*

Requisites to validity of Parsee marriages.

3. No marriage contracted after the commencement of this Act shall be valid, if the contracting parties are related to each other in any of the degrees of consanguinity or affinity prohibited among Parsees and set forth in a Table which the Governor General of India in Council shall, after due enquiry, publish in the *Gazette of India*, and unless such marriage shall be solemnized according to the Parsee form or ceremony called "Asírvád" by a Parsee Priest in the presence of two Parsee witnesses independently of such officiating Priest; and unless, in the case of any Parsee who shall not have completed the age of twenty-one years, the consent of his or her father or guardian shall have been previously given to such marriage.

Re-marriage save after divorce unlawful during life-time of first wife or husband.

4. No Parsee shall, after the commencement of this Act, contract any marriage in the life-time of his or her wife or husband, except after his or her lawful divorce from such wife or husband, by sentence of a Court as hereinafter provided; and every marriage contracted contrary to the provisions of this Section shall be void.

Punishment of bigamy.

5. Every Parsee who shall, after the commencement of this Act and during the life-time of his or her wife or husband, contract any marriage without having been lawfully divorce-

ed from such wife or husband, shall be subject to the penalties provided in Sections four hundred and ninety-four and four hundred and ninety-five of the Indian Penal Code for the offence of marrying again during the life-time of a husband or wife.

Certificate and registry of marriages.

6. Every marriage contracted after the commencement of this Act shall, immediately on the solemnization thereof, be certified by the officiating Priest in the form contained in the Schedule to this Act. The certificate shall be signed by the said Priest, the contracting parties, or their fathers or guardians when they shall not have completed the age of twenty-one years, and two witnesses present at the marriage; and the said Priest shall thereupon send such certificate together with a fee of two Rupees to be paid by the husband to the Registrar of the place at which such marriage is solemnized. The Registrar on receipt of the certificate and fee shall enter the certificate in a register to be kept by him for that purpose, and shall be entitled to retain the fee.

Appointment of Registrar.

7. For the purposes of this Act a Registrar shall be appointed, who may be the Registrar appointed under Act XVI of 1864 *(to provide for the Registration of Assurances)*. Within the local limits of the ordinary original Civil jurisdiction of a High Court, the Registrar shall be appointed by the Chief Justice of such Court, and, without such limits, by the Local Government. Every Registrar so appointed may be removed by the Chief Justice or Local Government appointing him.

Marriage register to be open for public inspection.

8. The Register of Marriages mentioned in the sixth Section shall, at all reasonable times, be open for inspection; and certified extracts therefrom shall, on application, be given by the Registrar on payment to him by the applicant of two Rupees for each such extract. Every such register shall be evidence of the truth of the statements therein contained.

Penalty for solemnizing marriage contrary to Section 4.

9. Any Priest knowingly and wilfully solemnizing any marriage contrary to and in violation of the fourth Section shall, on conviction thereof, be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to two hundred Rupees, or with both.

Penalty for Priest's neglect of requirements of Section 6.

10. Any Priest neglecting to comply with any of the requisitions affecting him contained in the sixth Section shall, on conviction thereof, be punished for every such offence with simple imprisonment for a term which may extend to three months, or with fine which may extend to one hundred Rupees, or with both.

Penalty for omitting to subscribe and attest the certificate.

11. Every other person required by the sixth Section to subscribe or attest the said certificate who shall wilfully omit or neglect so to do, shall, on conviction thereof, be punished for every such offence with a fine not exceeding one hundred Rupees.

Penalty for making, &c., false certificate.

12. Every person making, or signing, or attesting any such certificate containing a statement which is false, and which he either knows or believes to be false, or does not know to be true, shall be deemed to be guilty of the offence of forgery as defined in the Indian Penal Code, and shall be liable, on conviction thereof, to the penalties provided in Section four hundred and sixty-six of the said Code.

Penalty for failing to register certificate.

13. Any Registrar failing to enter the said certificate pursuant to the sixth Section shall be punished with simple imprisonment for a term which may extend to one year, or with fine which may extend to one thousand Rupees, or with both.

Penalty for secreting, destroying, or altering the register.

14. Any person secreting, destroying, or dishonestly or fraudulently altering the said register in any part thereof, shall be punished with imprisonment of either description as defined in the Indian Penal Code for a term which may extend to two years, or, if he be a Registrar, for a term which may extend to five years, and shall also be liable to fine which may extend to five hundred Rupees.

III.—*Of Parsee Matrimonial Courts.*

Constitution of special Courts under this Act.

15. For the purposes of hearing suits under this Act, a special Court shall be constituted in each of the Presidency Towns of Calcutta, Madras and Bombay, and in such other places in the Territories of the several local Governments as such Governments respectively shall think fit.

Parsee Chief Matrimonial Courts.

16. The Court so constituted in each of the Presidency Towns shall be entitled the Parsee Chief Matrimonial Court of Calcutta, Madras or Bombay, as the case may be. The local limits of the jurisdiction of a Parsee Chief Matrimonial Court shall be conterminous with the local limits of the ordinary original Civil jurisdiction of the High Court. The Chief Justice of the High Court, or such other Judge of the same Court as the Chief Justice shall from time to time appoint, shall be the Judge of such Matrimonial Court, and, in the trial of cases under this Act, he shall be aided by eleven Delegates.

Parsee District Matrimonial Courts.

17. Every Court so constituted at a place other than a Presidency Town shall be entitled the Parsee District Matrimonial Court of such place. Subject to the provisions contained in the next following Section, the local limits of the jurisdiction of such Court shall be conterminous with the limits of the District in which it is held. The Judge of the principal Court of original Civil jurisdiction at such place shall be the Judge of such Matrimonial Court, and, in the trial of cases under this Act, he shall be aided by seven Delegates.

Power to alter territorial jurisdiction of District Courts.

18. The Local Government may from time to time alter the local limits of the jurisdiction of any Parsee District Matrimonial Court, and may include within such limits any number of Districts under its government.

19. Any District which the Local Government, on account of the fewness of the Parsee inhabitants shall deem it inexpedient to include within the jurisdiction of any District Matrimonial Court, shall be included within the jurisdiction of the Parsee Chief Matrimonial Court for the Territories under such Local Government where there is such Court.

Certain Districts to be within the jurisdiction of the Chief Matrimonial Court

20. A seal shall be made for every Court constituted under this Act, and all decrees and orders and copies of decrees and orders of such Court, shall be sealed with such seal which shall be kept in the custody of the presiding Judge.

Court Seal.

21. The Local Governments shall, in the Presidency Towns and Districts subject to their respective Governments, respectively appoint persons to be Delegates to aid in the adjudication of cases arising under this Act. The persons so appointed shall be Parsees: their names shall be published in the Official Gazette; and their number shall, within the local limits of the ordinary original Civil jurisdiction of a High Court, be not more than thirty, and in Districts beyond such limits not more than twenty.

Appointment of Delegates.

22. The appointment of a Delegate shall be for life. But whenever a Delegate shall die, or be desirous of relinquishing his office, or refuse or become incapable or unfit to act, or be convicted of an offence under the Indian Penal Code or other law for the time being in force, then and so often the local Government may appoint any other person being a Parsee to be a Delegate in his stead; and the name of the person so appointed shall be published in the Official Gazette.

Power to appoint new Delegates.

23. All Delegates appointed under this Act shall be considered to be public servants within the meaning of the Indian Penal Code.

Delegates to be deemed public servants.

24. The Delegates selected under the sixteenth and seventeenth Sections to aid in the adjudication of suits under this Act shall be taken under the orders of the presiding Judge of the Court in due rotation from the Delegates appointed by the Local Government under the twenty-first Section.

Selection of Delegates under Sections 16 and 17 to be from those appointed under Section 21

25. All Advocates, Vakeels, and Attornies-at-law entitled to practise in a High Court shall be entitled to practise in any of the Courts constituted under this Act; and all Vakeels entitled to practise in a District Court shall be entitled to practise in any District Matrimonial Court constituted under this Act.

Practitioners in Matrimonial Courts.

26. All suits instituted under this Act shall be brought in the Court within the limits of whose jurisdiction the defendant resides at the time of the institution of the suit. When the defendant shall at such time have left British India, such suit shall be brought in the Court at the place where the plaintiff and defendant last resided together.

Court in which suits to be brought.

When defendant has left British India.

IV.—*Of Matrimonial Suits.*

(a). For a Decree of Nullity.

27. If a Parsee at the time of his or her marriage was a lunatic or of habitually unsound mind, such marriage may at the instance of his or her wife or husband be declared null and void upon proof that the lunacy or habitual unsoundness of mind existed at the time of the marriage and still continues. Provided that no suit shall be brought under this Section if the plaintiff shall at the time of the marriage have known that the respondent was a lunatic or of habitually unsound mind.

In case of lunacy or mental unsoundness.

28. In any case in which consummation of the marriage is from natural causes impossible, such marriage may, at the instance of either party thereto, be declared to be null and void.

In case of non-consummation owing to physical causes.

(b). For a Decree of Dissolution in case of Absence.

29. If a husband or wife shall have been continually absent from his or her wife or husband for the space of seven years, and shall not have been heard of as being alive within that time by those persons who would naturally have heard of him or her had he or she been alive, the marriage of such husband or wife may, at the instance of either party thereto, be dissolved.

In case of absence for seven years.

(c). For Divorce or Judicial Separation.

30. Any husband may sue that his marriage may be dissolved, and a divorce granted, on the ground that his wife has, since the celebration thereof, been guilty of adultery; and any wife may sue that her marriage may be dissolved, and a divorce granted, on the ground that, since the celebration thereof, her husband has been guilty of adultery with a married or fornication with an unmarried woman not being a prostitute, or of bigamy coupled with adultery, or of adultery coupled with cruelty, or of adultery coupled with wilful desertion for two years or upwards, or of rape, or of an unnatural offence. In every such suit for divorce on the ground of adultery the plaintiff shall, unless the Court shall otherwise order, make the person with whom the adultery is alleged to have been committed a co-defendant, and in any such suit by the husband the Court may order the adulterer to pay the whole or any part of the costs of the proceedings.

On the ground of the wife's adultery.

On the ground of the husband's adultery, &c.

31. If a husband treat his wife with such cruelty or personal violence as to render it in the judgment of the Court improper to compel her

Grounds of judicial separation.

to live with him, or if his conduct afford her reasonable grounds for apprehending danger to life or serious personal injury, or if a prostitute be openly brought into or allowed to remain in the place of abode of a wife by her own husband, she shall be entitled to demand a judicial separation.

Suits for divorce or judicial separation.

32. In a suit for divorce or judicial separation under this Act, if the Court be satisfied of the truth of the allegations contained in the plaint, and that the offence therein set forth has not been condoned, and that the husband and wife are not colluding together, and that the plaintiff has not connived at, or been accessory to the said offence, and that there has been no unnecessary or improper delay in instituting the suit, and that there is no other legal ground why relief should not be granted, then and in such case, but not otherwise, the Court shall decree a divorce or judicial separation accordingly.

Alimony *pendente lite.*

33. In any suit under this Act for divorce or judicial separation, if the wife shall not have an independent income sufficient for her support and the necessary expenses of the suit, the Court on the application of the wife, may order the husband to pay her monthly or weekly during the suit such sum not exceeding one-fifth of the husband's net income, as the Court, considering the circumstances of the parties, shall think reasonable.

Permanent alimony.

34. The Court may, if it shall think fit on any decree for divorce or judicial separation, order that the husband shall, to the satisfaction of the Court, secure to the wife such gross sum, or such monthly or periodical payments of money for a term not exceeding her life as, having regard to her own property (if any), her husband's ability and the conduct of the parties, shall be deemed just, and for that purpose may require a proper instrument to be executed by all necessary parties and suspend the pronouncing of its decree until such instrument shall have been duly executed. In case any such order shall not be obeyed by her husband, he shall be liable to damages at her suit, and further to be sued by any person supplying her with necessaries, during the time of such disobedience, for the price or value of such necessaries.

Payment of alimony to wife or to her trustee.

35. In all cases in which the Court shall make any decree or order for alimony, it may direct the same to be paid either to the wife herself, or to any trustee on her behalf to be approved by the Court, and may impose any terms or restrictions which to the Court may seem expedient, and may from time to time appoint a new trustee, if for any reason it shall appear to the Court expedient so to do.

(d). For Restitution of Conjugal Rights.

Suit for restitution of conjugal rights.

36. Where a husband shall have deserted or without lawful cause ceased to cohabit with his wife, or where a wife shall have deserted or without lawful cause ceased to cohabit with her husband, the party so deserted or with whom cohabitation shall have so ceased, may sue for the restitution of his or her conjugal rights, and the Court, if satisfied of the truth of the allegations contained in the plaint and that there is no just ground why relief should not be granted, may proceed to decree such restitution of conjugal rights accordingly. If such decree shall not be obeyed by the party against whom it is passed, he or she shall be liable to be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

No suit to be brought to enforce marriage or contract arising out of marriage when husband under sixteen years or wife under fourteen years.

37. Notwithstanding anything hereinbefore contained, no suit shall be brought in any Court to enforce any marriage between Parsees or any contract connected with or arising out of any such marriage, if, at date of the institution of the suit, the husband shall out have completed the age of sixteen years, or the wife shall not have completed the age of fourteen years.

Suits may be heard with closed doors.

38. In every suit preferred under this Act, the case shall be tried with closed doors should such be the wish of either of the parties.

Stamps on plaints and petitions.

39. Every plaint and petition of appeal preferred under this Act shall bear a stamp of thirty-two Rupees, and all other instruments and writings of the kind specified as requiring a stamp in Schedule B to Act No. X of 1862 (*to consolidate and amend the Law relating to Stamp Duties*) and exhibited in a suit under this Act shall be stamped in accordance with the provisions of the said Act No. X of 1862.

Provisions of Civil Procedure Code to apply in suits under this Act.

40. The provisions of the Code of Civil Procedure shall, so far as the same may be applicable, apply to suits instituted under this Act.

Determination of questions of law and procedure, and of fact.

41. In suits under this Act all questions of law and procedure shall be determined by the presiding Judge; but the decision on the facts shall be the decision of the majority of the Delegates before whom the case is tried.

Appeal to High Court.

42. An appeal shall lie to the High Court from the decision of any Court established under this Act, whether a Chief Matrimonial Court or a District Matrimonial Court, on the ground of the decision being contrary to some law or usage having the force of law, or of a substantial error or defect in the procedure or investigation of the case which may have produced error or defect in the decision of the case upon the merits, and on no other ground: Provided that such appeal be instituted within three calendar months after the decision appealed from shall have been pronounced.

43. When the time hereby limited for appealing against any decree dissolving a marriage shall have expired and no appeal shall have been presented against such decree, or when any such appeal shall have been dismissed, or when in the result of any appeal any marriage shall be declared to be dissolved, but not sooner, it shall be lawful for the respective parties thereto to marry again, as if the prior marriage had been dissolved by death.

Liberty to parties to marry again.

V.—*Of the Children of the Parties.*

44. In any suit under this Act for obtaining a judicial separation or a decree of nullity of marriage, or for dissolving a marriage, the Court may from time to time pass such interim orders and make such provision in the final decree as it may deem just and proper, with respect to the custody, maintenance and education of the children under the age of sixteen years, the marriage of whose parents is the subject of such suit, and may, after the final decree, upon application by petition for this purpose, make from time to time all such orders and provisions with respect to the custody, maintenance and education of such children as might have been made by such final decree, or by interim orders in case the suit for obtaining such decree were still pending.

Custody of children *pendente lite.*

Orders as to custody of children after final decree.

45. In any case in which the Court shall pronounce a decree of divorce or judicial separation for adultery of the wife, if it shall be made to appear to the Court that the wife is entitled to any property either in possession or reversion, the Court may order such settlement as it shall think reasonable to be made of such property or any part thereof, for the benefit of the children of the marriage or any of them.

Settlement of wife's property for benefit of children.

VI.—*Of the Mode of enforcing Penalties under this Act.*

46. All offences under this Act may be tried by any Officer exercising the powers of a Magistrate unless the period of imprisonment to which the offender is liable shall exceed that which such Officer is competent to award under the law for the time being in force in the place in which he is employed. When the period of imprisonment provided by this Act exceeds the period that may be awarded by such Officer, the offender shall be committed for trial before the Court of Session.

Cognizance of offences under this Act.

47. If any offence which by this Act is declared to be punishable with fine, or with fine and imprisonment not exceeding six months, shall be committed by any person within the local limits of the ordinary original Civil jurisdiction of the High Court, such offence shall be punishable upon summary conviction by any Magistrate of Police of the place at which such Court is held.

Punishment of offences under this Act committed within local limits of High Court.

48. All fines imposed under the authority of this Act may, in case of non-payment thereof, be levied by distress and sale of the offender's movable property by warrant under the hand of the Officer imposing the fine.

Levy of fines by distress.

49. In case any such fine shall not be forthwith paid, such Officer may order the offender to be arrested and kept in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such Officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress.

Procedure until return is made to distress warrant.

50. If upon the return of the warrant it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Officer, by the confession of the offender or otherwise, that he has not sufficient movable property whereupon such fine could be levied if a warrant of distress were issued, any such Officer may, by warrant under his hand, commit the offender to prison, for any term not exceeding two calendar months when the amount of fine shall not exceed fifty Rupees, and for any term not exceeding four calendar months when the amount shall not exceed one hundred Rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount of fine.

Imprisonment if no sufficient distress.

VII.—*Miscellaneous.*

51. Subject to the provisions contained or referred to in this Act, the High Court shall make such rules and regulations concerning the practice and procedure of the Parsee Chief and District Matrimonial Courts in the Presidency or Government in which such High Court shall be established, as it may from time to time consider expedient, and shall have full power from time to time to revoke or alter the same. All such rules, revocations and alterations shall be published in the Official Gazette.

Rules of procedure of Parsee Matrimonial Courts to be made by the High Court.

52. The Governor General of India in Council may invest the Chief Executive Officer of any part of British India, under the immediate administration of the Government of India with the powers vested by this Act in a Local Government.

Power to invest Chief Executive Officer with powers of Local Government.

53. This Act shall commence and take effect on the first day of September 1865, and shall extend to the whole of British India.

Commencement and extent of Act.

SCHEDULE.—(*See Section* 6.)

Date and place of Marriage.	Names of the Husband and Wife.	Condition at the time of Marriage.	Rank or Profession.	Age.	Residence	Names of the Fathers or Guardians.	Rank or Profession.	Signature of the Officiating Priest.	Signatures of the Witnesses.	Signature of father or guardian when husband or wife is an infant.

WHITLEY STOKES,
Offg. Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 7th April 1865, and is hereby promulgated for general information:—

ACT No. XVI OF 1865.

An Act to remove doubts as to the jurisdiction of the Revenue Courts in the Province of Oude in suits relating to land, and to enlarge the period of limitation in such suits.

Preamble.

Whereas, before the introduction of the Code of Civil Procedure into the Province of Oude, the jurisdiction in suits relating to the title or succession to land in the said Province or to the possession of land, or to any right in respect of any land, was vested exclusively in the Courts of Revenue and in the Financial Commissioner, and after that office became vacant, in the Chief Commissioner; And whereas since the introduction of the said Code doubts have arisen whether such suits are cognizable in the first instance by the ordinary Civil Courts and on appeal by the Judicial Commissioner, or in the first instance by the Revenue Courts and on appeal by the Chief Commissioner, or Financial Commissioner whose office has now been revived; And whereas it is expedient to remove such doubts and to enlarge the period of limitation within which certain classes of suits may be entertained under this Act; It is enacted as follows:—

Interpretation Clause.

1. In the construction of this Act, except where there is something repugnant in the subject or context—

Number.

Words in the singular number shall include the plural, and words in the plural number shall include the singular.

"Courts of Revenue."

"Courts of Revenue" include Officers employed in making or revising Settlements.

"Land."

"Land" does not apply to any land excluded from a Settlement of Land Revenue, whether the Revenue be paid to Government or to the assignee of Government.

Suits and appeals relating to land during progress of Revenue Settlement to be cognizable by Courts of Revenue and Financial Commissioner.

2. In any District in the Province of Oude in which a Settlement of the Land Revenue is in progress, all suits of whatever description arising in such District relating solely to the title or succession to land, or to the possession of land, or to any right in respect of any land, shall, during the continuance of such Settlement, and for such further period thereafter as the Governor-General of India in Council, by notice to be published in the Official Gazette, may appoint, be cognizable in the first instance in the Courts of Revenue of the said Province, and in the last resort upon appeal by the Financial Commissioner. The Governor General of India in Council may invest any Officer with the powers of a Court of first appeal between the Court of first instance and the Financial Commissioner, and shall fix the periods within which appeals shall be preferred from the decision of the Court of first instance to the Court of first appeal, or, when there is no such Court, to the Financial Commissioner, and from the decisions of the Court of first appeal, when there is such Court, to the Financial Commissioner: Provided that where in a case of succession or inheritance the claim shall relate not only to land but to land and other property not permanently attached to the land comprised in the claim, neither the Revenue Courts nor the Financial Commissioner shall have jurisdiction under this Section.

Powers of Financial Commissioner as highest Court of appeal.

3. The Financial Commissioner shall, with respect to suits cognizable by the Revenue Courts under the second Section of this Act, be deemed the highest Court of appeal in the Province of Oude within the meaning of the Code of Civil Procedure, and shall have and exercise in respect of such suits all the powers vested in the Sudder Court and shall be subject to all the rules prescribed with reference to the Sudder Court by such Code, subject to the restrictions, limitations and provisos, with which the Code was extended to the said Province as contained in the declaration of the Governor-General in Council, bearing date the 6th August 1861. Subject to the same restrictions, limitations and provisos, the proceedings of the Courts of first appeal and the Courts of first instance shall be regulated by the Code of Civil Procedure.

Suits not to be instituted or tried by any other than the Court or authority before specified.

4. Subject to the proviso in the second Section of this Act, no suit relating to the title or succession to land in Oude, or to the possession of land, or to any right in respect of any land shall, during the period limited in the said Section, be instituted or tried in any Court or before any Authority, except in the Courts or before the Authorities hereinbefore in that behalf specified.

Limitation rules not to apply to certain suits relating to under-tenures.

5. No suit relating to any under-tenure which shall be cognizable in any Revenue Court under this Act shall be debarred from a hearing under the rules relating to the limitation of suits in force in the Province of Oude, if the cause of action shall have arisen on or after the thirteenth day of February 1844. Provided that this Section shall not apply to any suit by a person claiming only a right to cultivate as a tenant-at-will, or as a tenant with the right of occupancy, or as a tenant at fixed or favourable rates.

Certain suits relating to under-tenures dismissed on ground of limitation-bar may be revived.

6. Any suit or appeal relating to any under-tenure (not being a suit within the proviso contained in the last preceding Section) cognizable under this Act by any Revenue Court, which may have been rejected or dismissed on the ground that the suit was barred by lapse of time under the law of limitation in force in the Province of Oude, may be revived and heard on the merits, if the cause of action shall have arisen on or after the date mentioned in the last preceding Section: Provided that a petition for the revival of the appeal or suit be presented in the Court of the Financial Commissioner if the rejection or dismissal took place in appeal, or in the Court of first instance if the rejection or dismissal took place in that Court, within six calendar months from the date of the passing of this Act. The petition may be written on paper bearing the stamp required for petitions presented to the Financial Commissioner or subordinate Revenue Court, as the case may be.

Procedure applicable to suits relating to land instituted after period mentioned in Section 2.

7. All suits relating to the proprietary right in, succession to or possession of, any land, or to any right in respect to any land, which shall be instituted after the expiration of the period appointed in the second Section of this Act, shall be heard and determined in the Civil Courts of the Province of Oude according to their respective jurisdictions, under and subject to all the rules contained in the Code of Civil Procedure as the same shall have been extended to such Province, and not otherwise.

Saving of orders and decisions of Revenue Courts after the extension of Code of Civil Procedure to Oude.

8 No order or decision made or passed by any Revenue Court in Oude subsequently to the extension of the Code of Civil Procedure to the Province and before the passing of this Act, in any suit relating to the proprietary right in, succession to or possession of, any land, or to any right in respect of any land in the said Province, shall be invalid by reason of anything contained in the said Code.

WHITLEY STOKES,

Offg. Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 12th April 1865, and is hereby promulgated for general information :—

ACT No. XVII OF 1865.

An Act to amend certain Acts relating to the duties of Customs on goods imported and exported by Sea.

Preamble.

Whereas it is expedient to amend the Law relating to Customs duties; It is enacted as follows :—

Customs Duties to be levied as prescribed in the Schedules annexed to this Act.

1. In lieu of the Customs duties authorized to be charged in Act VII of 1859 (*to alter the duties of Customs on goods imported or exported by Sea*), Act XXIII of 1859 (*to alter the rates of duty on goods imported or exported by land from certain Foreign Territories into or from the Presidencies of Madras and Bombay respectively*), Act X of 1860 (*to amend Act VII of* 1859 *to alter the duties of Customs on goods imported or exported by Sea*), Act XI of 1862 (*to amend Act X of* 1860, *to amend Act VII of* 1859), Act XXIII of 1862 (*to amend Act XI of* 1862), and Act XXIII of 1864 (*to amend the law relating to the Customs duties on goods imported by Sea*), there shall be levied and collected the duties specified in the two Schedules A and B annexed to this Act. Provided always that nothing herein contained shall be deemed to alter the existing duties upon Salt and Opium, or to authorize the levy of duties in any free Port, or to affect the provisions of Act VI of 1848 (*for equalizing the duties on goods imported and exported on Foreign and British bottoms and for abolishing duties on goods carried from Port to Port in the Territories subject to the Government of the East India Company*), or to affect the provisions of The Consolidated Customs' Act.

Operation of Act.

2. So far as regards the Customs duty on the export of Saltpetre, this Act shall take effect as if it had been passed and had received the assent of the Governor General on the ninth day of March 1865; but save as aforesaid, this Act shall take effect from the first day of April 1865.

Short title.

3. This Act shall be cited as "The Indian Customs Duties' Act of 1865."

SCHEDULE A.

Rates of Duty to be charged on the following goods imported by Sea into any Port in British India, not being a Free Port.

1.	Bullion and Coin	Free
2.	Precious Stones and Pearls	,,
3.	Grain and Pulse	,,
4.	Horses and other living Animals	,,
5.	Ice	,,
6.	Coal, Coke, Bricks, Chalk, and Stones	,,
7.	Cotton Wool	,,
8.	Wool	,,
9.	Flax	,,
10.	Hemp	,,
11.	Jute	,,
12.	Hides and Skins, raw	,,
13.	Books	,,
14.	Paper	,,
15.	Maps, Prints, Music and Works of Art	,,
16.	Seeds when imported by any Public Society for gratuitous distribution	,,
17.	Agricultural Implements	,,
18.	Firewood	,,
19.	Machinery used exclusively for purposes of Agriculture, Navigation, Mining or Manufacture, or for Railway purposes, and materials forming necessary component parts of such machinery	,,
	And the Officer in charge of the Custom House, subject to the orders of the Local Government acting under the general instructions of the Government of India, shall decide what articles come within the definition of such machinery or materials forming component parts thereof, and such decision shall be final in law.	
20.	Military and other Regulation Uniforms and Accoutrements when imported for private use by persons in the Public Service	,,
21.	Guano and manures of all kinds	,,
22.	Bottles	,,
23.	Wines and Liqueurs	one Rupee the imperial gallon.
24.	Porter, Ale, Beer, Cider, and other similar fermented Liquors	one anna the imperial gallon.
25.	Spirits	three Rupees the imperial gallon, and the duty to be rateably increased as the strength exceeds London Proof.

Provided that 10 per cent. *ad valorem* shall be charged on all spirits used exclusively in Arts and Manufactures, or in Chemistry, subject to such rules as the Local Governments shall from time to time prescribe, for ascertaining that such spirits are unfit for use as a beverage, and incapable of being converted to that purpose. And the Officer in charge of the Custom House, subject to the general instructions of the Local Government, shall decide what spirits fall within the proviso, and his decision thereon shall be final in law.

26.	Iron (which shall not be taken to include ironmongery cutlery or hard-ware)	one per cent. *ad valorem.*
27.	Hops	one per cent. *ad valorem.*
28.	Tobacco, whether manufactured or not manufactured...	ten per cent. *ad valorem.*
29.	Piece Goods .. .	five per cent. *ad valorem.*
30.	Twist	three and a half per cent. *ad valorem.*
31.	All other articles not included in the above enumeration	seven and a half per cent. *ad valorem.*

SCHEDULE B.

Rates of Duty to be charged upon goods exported by Sea to any Foreign Port as defined in The Consolidated Customs' Act from any Port in British India.

1.	Bullion and Coin		Free
2.	Precious Stones and Pearls		,,
3.	Horses and other living Animals ...		,,
4.	Rum		,,
5.	Spirits		,,
6.	Tobacco and all preparations thereof		,,
7.	Cotton Wool ...		,,
8.	Flax ...		,,
9.	Hemp		,,
10.	Books		,,
11.	Maps, Prints, and Works of Art		,,
12.	Teak Timber ...		,,
13.	Coal		,,
14.	Iron		,,
15.	Grain and pulse of all sorts ...	three annas the Indian maund.	of forty seers of eighty tolahs to the seer.
16.	Saltpetre	one Rupee the Indian maund.	
17.	Indigo ...	three Rupees the Indian maund.	
18.	Lac Dye and Shell Lac	four per cent. *ad valorem.*	
19.	Hides and Skins, raw	two per cent. *ad valorem.*	
20.	Sugar	two per cent. *ad valorem.*	
21.	Raw Silk and Silk Chussum	two per cent. *ad valorem.*	
22.	All country articles not enumerated or named above . .	three per cent. *ad valorem.*	

WHITLEY STOKES,
Offg. Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor General on the 10th April 1865, and is hereby promulgated for general information:—

Act No. XVIII of 1865.

An Act to amend Act No. X of 1862 (to consolidate and amend the Law relating to Stamp Duties).

Preamble.

Whereas it is expedient to amend Act No. X of 1862 (*to consolidate and amend the Law relating to Stamp Duties*); It is enacted as follows:—

Act X of 1862, Section 33, repealed.

1. The thirty-third Section of the said Act No. X of 1862 is hereby repealed, and the following Section shall be read in lieu thereof:—

Governor General in Council may lower rates of Stamp Duty on any Deeds, &c., mentioned in the Schedule, or on any class of such Deeds, &c.

2. The Governor-General of India in Council may, from time to time, by an order to be published in the Official Gazette, reduce or remit in the whole or any part of the Territories to which the said Act X of 1862 applies, the Stamp Duties prescribed by the said Act and chargeable on all or any of the Deeds, Instruments, and Writings mentioned in the Schedules thereto, or on any particular class of such Deeds, Instruments, and Writings, or on any of the Deeds, Instruments, and Writings, belonging to such class; or on any of the Deeds, Instruments, and Writings, as aforesaid, when executed or granted by or to any particular class of persons or by or to any members of such class, and may in like manner cancel or vary such order to the extent of the powers hereby given. Such cancelment or variation shall also be published in the Official Gazette.

Addition to Act X of 1862, Schedule B, Article 11.

3. Article eleven of Schedule B to the said Act X of 1862, shall be read as if after the words and figures "Act III of 1859," the following words were inserted, that is to say, "or in Courts of Small Causes established under Section six of Act XXII of 1864 (*to make provision for the administration of Military Cantonments*).

This Act to be taken as part of Act X of 1862

4. This Act shall be read with and taken as part of the said Act No. X of 1862.

WHITLEY STOKES,
Offg. Asst. Secy. to the Govt. of India.
Home Dept. (Legislative.)

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 10th April 1865, and is hereby promulgated for general information :—

ACT No. XIX OF 1865.

An Act to define the jurisdiction of the Courts of Judicature of the Punjab and its Dependencies.

Preamble.

Whereas it is expedient to define the jurisdiction of the Courts of Judicature in the Punjab and its Dependencies; It is enacted as follows :—

Short title.

1. This Act shall be called "The Punjab Courts' Act, 1865."

"Assistant Commissioner."

2. In this Act "Assistant Commissioner" includes "Extra Assistant Commissioner."

"Land."

"Land" does not apply to any land excluded from a settlement of Land Revenue, whether the Revenue be paid to Government or to the assignee of Government.

"District." "District Court." "Division." "Divisional Court."

3. For the purposes of this Act the local jurisdiction of a Deputy Commissioner shall be deemed a District, and the Court of such Deputy Commissioner shall be deemed the District Court. The local jurisdiction of a Commissioner shall, in like manner, be deemed a Division, and his Court a Divisional Court.

Grades of Courts in the Punjab.

4. There shall be seven grades of Courts in the Punjab, which shall be in addition to any Courts of Small Causes, and to any other Courts established under any Act which may hereafter be passed unless otherwise provided in such Act, namely :—

(1.)—The Court of the Tahsildar.

(2.)—The Court of the Assistant Commissioner with ordinary powers.

(3.)—The Court of the Assistant Commissioner with special powers.

(4.)—The Court of the Assistant Commissioner with full powers.

(5.)—The Court of the Deputy Commissioner.

(6.)—The Court of the Commissioner.

(7.)—The Court of the Judicial Commissioner.

Jurisdiction of Tahsildar.

5. The Local Government may invest any Tahsildar with power to try and determine suits of every description not exceeding three hundred Rupees in value or amount.

Local Government may in special cases give Naib Tahsildars powers of Tahsildar.

6. The Local Government shall also have power, from time to time, specially to invest any Naib Tahsildar with the powers of a Tahsildar as aforesaid within such limits as it may think proper, and to withdraw such powers.

Jurisdiction of Assistant Commissioner with ordinary powers.

7. The Assistant Commissioner with ordinary powers shall have power to try and determine suits of every description not exceeding one hundred Rupees in value or amount.

Jurisdiction of Assistant Commissioner with special powers.

8. The Assistant Commissioner with special powers shall have power to try and determine suits of every description not exceeding five hundred Rupees in value or amount.

Criminal powers to be exercised by Courts of the 1st, 2nd, and 3rd grades.

9. The Criminal powers to be exercised by the Courts of the said first, second, and third grades respectively, shall be those with which the several Officers presiding in those Courts shall from time to time be invested by the Local Government under Section twenty-three of the Code of Criminal Procedure.

Jurisdiction of Assistant Commissioner with full powers.

10. The Assistant Commissioner with full powers shall, on the Civil side, have power to try and determine suits of every description under ten thousand Rupees in value or amount, and on the Criminal side to exercise the powers of a Magistrate as defined in the Code of Criminal Procedure.

Jurisdiction of Deputy Commissioner.

11. The Deputy Commissioner shall, on the Civil side, have power to try and determine suits of every description without limitation in value or amount, and to hear appeals, where an appeal is allowed by the Code of Civil Procedure in force in the Punjab, from decisions and orders of the first three grades of Courts mentioned in the fourth Section of this Act, and on the Criminal side to exercise the powers of a Magistrate as defined in the Code of Criminal Procedure, and to hear appeals according to the provisions of the same Code relating to the hearing of appeals by Magistrates from the sentences and orders of Courts subordinate to the Magistrate of the District. The Deputy Commissioner may also be invested by the Local Government with the powers described in Act No. XV of 1862 (*to amend the Code of Criminal Procedure*).

Jurisdiction of Commissioner.

12. The Commissioner shall, on the Civil side, have power to try and determine suits of every description without limitation in value or amount, and to hear and determine appeals, where an appeal is allowed by the Code of Civil Procedure in force in the Punjab, from decisions and orders of the Courts of the said fourth and fifth grades, and, on the Criminal side, to exercise the powers of a Sessions Judge as defined in the Code of Criminal Procedure, and to hear appeals from the subordinate Courts according to the provisions of the same Code relating to the hearing of appeals by the Sessions Court.

Court in which suit shall be instituted.

13. Every suit shall be instituted in the Court of the lowest grade competent to try it: Provided that no suit cognizable by a Court of Small Causes shall be heard or determined in any other Court having any jurisdiction within the local limits of the jurisdiction of such Court of Small Causes.

14. The Deputy Commissioner may direct the business in the Courts subordinate to him, holding their sittings at the same place, to be distributed among such Courts in such way as he shall think fit: Provided that no Court shall try any suit the value or amount of which shall exceed its proper jurisdiction.

Distribution of business in Courts subordinate to Deputy Commissioner.

15. The Commissioner or Deputy Commissioner may withdraw any suit instituted in any Court subordinate to him and try such suit himself, or refer it for trial to any other Court subordinate to him and competent in respect of the value or amount of the suit to try the same. The Commissioner may also withdraw any appeal from the Court of any Deputy Commissioner subordinate to him and try the appeal himself or refer it for trial to the Court of any other Deputy Commissioner in his Division.

Power of Commissioner or Deputy Commissioner to withdraw suits from subordinate Courts.

16. The Judicial Commissioner may withdraw any suit or appeal from any Court subordinate to him other than Courts of Small Causes or Courts of Cantonment Magistrates, and refer such suit or appeal for trial to any other Court subordinate to him and competent in respect of the value or amount of the suit to try the same.

Power of Judicial Commissioner to transfer suits.

17. If the suit be for immovable property situate within the limits of a single District, but within the jurisdiction of different Courts, the suit may be brought in the Court within whose jurisdiction any portion of the property is situate, provided that, in respect of the value of the property in suit, the entire claim be cognizable by such Court. In such case the Court in which the suit is brought shall apply to the District Court for authority to proceed with the same, and the District Court, after hearing the objections, if any, of the defendant, may grant such authority.

Suits for immovable property situate within different jurisdictions of single District

18. If the suit be for immovable property situate within the limits of different Districts within the same Division, the suit may be brought in any Court otherwise competent to try it, within the jurisdiction of which any portion of such property is situate; but in such case the Court in which the suit is brought shall apply to the Commissioner of the Division for authority to proceed with the same; and such Commissioner, after hearing the objections, if any, of the defendant, may grant authority accordingly. If the suit is brought in any Court subordinate to the Court of the Deputy Commissioner, the application shall be submitted to the Commissioner of the Division through the Deputy Commissioner to whom such Court is subordinate.

Suits for immovable property situate in different Districts.

19. If the Districts within the limits of which the immovable property is situate are subordinate to different Commissioners, the application mentioned in the last preceding Section shall be submitted to the Commissioner in whose Division the District in which the suit is brought is situate, and such Commissioner, after hearing the objections, if any, of the defendant, may give authority to proceed with the suit.

Suits for immovable property situate in Districts subject to different Commissioners.

20. Whenever the number of cases depending in any District or Divisional Court shall be so great as to prevent their being disposed of within a reasonable period, the local Government may, with the previous sanction of the Governor General of India in Council, invest any Officer with the Civil and Criminal powers of a Deputy Commissioner or Commissioner, as defined in this Act, in such District or Division as the case may be.

Local Government may invest additional Officers with powers of Commissioner, and Small Cause Court Judges with powers of Assistant Commissioner.

21. In any District in which a Settlement of land revenue is in progress, the local Government may, on its own authority, empower and direct the Tahsildars, Assistant Commissioners, Deputy Commissioner, and Commissioner in such District, to exercise their respective powers as defined in this Act in suits regarding land or the rent, revenue or produce of land, on the Revenue, and not on the Civil side of their Courts. The local Government may also, with the previous sanction of the Governor General of India in Council, invest any special Officer in such District with the Civil powers of a Commissioner, Deputy Commissioner, Assistant Commissioner or Tahsildar, as defined in this Act, for the purpose of deciding suits in respect to land or the rent, revenue or produce of land, such powers to be exercised on the Revenue side: Provided that in all such suits as aforesaid no deviation be allowed from the Rules of Civil Procedure in force, and that the powers given under this Section shall continue only so long as Settlement operations are in progress in the District, and shall cease on the termination thereof.

Local Government may invest special Officers with Civil powers of Commissioners, &c., in Districts in course of settlement.

22 In any District in which a Settlement of Land Revenue is in progress, the local Government may invest the Financial Commissioner with the powers of the Judicial Commissioner for the purpose of trying special appeals from Commissioners and Deputy Commissioners in all decisions passed by them in regular appeal under the twenty-first Section of this Act, and with the power of a Court of final appeal in any class of suits regarding land, or the rent, revenue, or produce of land: Provided that in the trial of such appeals no deviation shall be allowed from the Rules of Civil Procedure in force, and that the power given under this Section shall continue only so long as Settlement operations shall be in progress, and shall cease on the termination thereof. So long as the Financial Commissioner may be invested with powers as aforesaid the jurisdiction of the Judicial Commissioner in respect to the appeals hereby made cognizable by the Financial Commissioner shall be suspended.

Local Government may invest Financial Commissioner with powers of Chief Court for certain purposes.

Proviso.

Exclusion of jurisdiction under Sections 21 and 22, of Revenue Courts and Financial Commissioner.

23. Whenever in a case of succession or inheritance the claim shall relate not only to land but to land and other property not permanently attached to the land comprised in the claim, neither the Revenue Courts nor Financial Commissioner shall have jurisdiction under the twenty-first or the twenty-second Section of his Act.

Saving of decisions and orders passed before passing of this Act.

24. No decision or order passed by any Officer in the Punjab and its Dependencies prior to the passing of this Act shall be invalid solely on the ground of a doubt existing as to the authority of the Officer who passed the decision or order.

Commencement of Act.

25. This Act shall commence and come into operation on the first day of May 1865.

WHITLEY STOKES,
Offg. Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 10th April 1865, and is hereby promulgated for general information :—

ACT NO. XX OF 1865.

An Act to amend the law relating to Pleaders and Mookhtars.

Preamble.

Whereas it is expedient to amend the law relating to Pleaders and Mookhtars, and to provide rules for the qualification, admission, enrolment, suspension, and dismissal of Revenue Agents ; It it enacted as follows :—

Preliminary.

Short title.

1. This Act may be cited as "The Pleaders, Mookhtars, and Revenue Agents' Act, 1865."

Interpretation of terms.

2. In this Act, unless there be something repugnant or inconsistent in the subject or context —

Number.

Words importing the singular number include the plural, and words importing the plural number include the singular.

"Section."

"Section" means a Section of this Act.

"Person."

"Person" includes any Company or Association or body of persons, whether incorporated or not.

"Pleader."

"Pleader" includes Vakeels.

"Collector."

"Collector" includes Officers performing any of the duties of a Collector of land revenue.

"Magistrate."

"Magistrate" includes Officers exercising any of the powers of a Magistrate.

"Judge."

"Judge" means the presiding judicial Officer in every Civil and Sessions Court by whatever title he is designated.

"Court."

"Court" means all Courts subordinate to the High Court, including Courts of Small Causes.

"District." "District Court."

"District" means the local jurisdiction of the principal Civil Court of original jurisdiction ; and "District Court" means such Court, and includes Sessions Courts, and, for the purposes of this Act, the Courts of a Commissioner and Deputy Commissioner, or any other Court in the Territories known as Non-Regulation, exercising like powers as those of a Commissioner and Deputy Commissioner or of a Civil and Sessions Judge.

"Local Government." "High Court." "Board of Revenue."

And in any part of British India in which this Act operates, "Local Government" denotes the person authorized to administer the executive Government in such part : "High Court" denotes the highest Civil Court of Appeal, and "Board of Revenue" denotes the chief Revenue Authority therein.

Laws repealed.

3. So far as they affect the Territories to which this Act extends, the enactments set forth in the first Schedule hereto are repealed, except so far as they repeal any other enactment, and except as to the recovery and application of any penalty for any offence which shall have been committed before the commencement of this Act.

Of Pleaders and Mookhtars.

High Court to make rules for qualification, &c., of Pleaders and Mookhtars.

4. The High Court is hereby authorized and required, within six months after this Act shall take effect in the Territories in which such Court exercises jurisdiction, to make rules for the qualification, admission, and enrolment of proper persons to be Pleaders and Mookhtars of the Courts in such Territories, for the fees to be paid for the examination, admission, and enrolment of such persons, and, subject to the provisions hereinafter contained, for the suspension and dismissal of the Pleaders and Mookhtars so admitted and enrolled. The High Court may also from time to time, vary and add to such rules.

No person to practise as a Pleader or as a Mookhtar unless qualified under this Act.

5. Except as hereinafter provided, no person shall appear, plead or act as a Pleader, or appear or act as a Mookhtar in any Court to which this Act extends, unless he shall have been admitted and enrolled and shall be otherwise duly qualified to practise as a Pleader or as a Mookhtar, as the case may be, pursuant to the provisions of this Act, and unless he shall continue to be so qualified and enrolled at the time of his practising as a

Pleader or Mookhtar as aforesaid: Provided that every person who at the time at which this Act shall come into operation in any part of British India shall be, or shall be qualified to act, as a Pleader in any Court in such part, by virtue of any law, rule or order in force therein, shall be entitled to be admitted and enrolled as a Pleader in the High Court pursuant to the provisions of this Act, without passing any examination, but subject to the conditions of any certificate or diploma held by him as to the class of Courts in which such certificate or diploma authorizes himto practise.

Saving of Pleaders already qualified.

6. To facilitate the ascertainment of the qualifications mentioned in the fourth Section, the Local Government shall from time to time appoint persons to be Examiners for the purposes aforesaid, and make regulations for conducting such examinations.

Local Government to appoint Examiners.

7. The High Court shall cause the name of every person who shall be admitted a Pleader or a Mookhtar pursuant to the provisions of this Act, to be enrolled in books to be provided and kept for that purpose in such Court. The Courts shall take judicial notice whether a Pleader or Mookhtar is enrolled or not.

Names of Pleaders and Mookhtars to be enrolled.

8. The High Court shall cause certificates, signed by such Officer as the Court shall appoint, to be issued to persons who have been admitted and enrolled under the provisions of this Act as Pleaders or Mookhtars and are entitled to practise as such. Any such certificate, when renewed as provided in the ninth Section, may be issued and signed by the Officer so appointed or by the Judge of the District Court within the limits of whose jurisdiction the holder of the certificate shall then ordinarily practise. Every Judge so renewing a certificate shall notify such renewal to the High Court.

Certificates to be issued to Pleaders and Mookhtars.

9. Every certificate, whether original or renewed, shall be engrossed upon stamp paper to be supplied by the person entitled to the certificate, and shall be in the form contained in the second Schedule to this Act, and shall authorize the holder to practise for the period of one year from the date of the certificate. At the expiration of such time, the holder of the certificate, if desirous to continue to practise, shall be entitled to have his certificate renewed, and on every such renewal the certificate then in the holder's possession shall be cancelled and retained by the Officer or Judge signing the renewed certificate.

Form and duration of certificate.

10. The stamp on the certificate, whether original or renewed, shall be of the following value:—

Value of stamp on certificate.

On a certificate authorizing the holder to practise as a Pleader—

(*a.*) In the High Court and any subordinate Court—Rupees fifty;

(*b.*) In the District Courts, subordinate Courts, and Small Cause Courts—Rupees twenty-five:

(*c.*) In the Sudder Ameens' and Moonsiffs' Courts and in the Courts of Assistant Commissioners, Extra Assistant Commissioners, and Tahsildars—Rupees fifteen:

(*d.*) In the Moonsiffs' Courts or any Court of first instance not hereinbefore mentioned—Rupees five.

On a certificate authorizing the holder to practise as a Mookhtar—

(*e.*) In the High Court and any subordinate Court—Rupees twenty-five:

(*f.*) In the District Courts, subordinate Courts, and Small Cause Courts—Rupees sixteen:

(*g.*) In the Courts of the Commissioners of Circuit, Magistrates and Subordinate Magistrates: in Sudder Ameens' and Moonsiffs' Courts and in the Courts of Assistant Commissioners, Extra Assistant Commissioners, and Tahsildars—Rupees eight:

(*h.*) In the Moonsiffs' Courts or any Court of first instance not hereinbefore mentioned—Rupees four.

11. Pleaders duly admitted and enrolled under this Act may appear, plead and act in any Criminal Court, or before any Board of Revenue or in any Revenue Office within the limits of the general jurisdiction of the High Court in which they are enrolled. Mookhtars duly admitted and enrolled as aforesaid may, subject to the conditions of their certificates as to the class of Courts in which they are authorized to practise, appear and act in any Civil Court, and may appear, plead and act in any Criminal Court within the same limits.

Pleaders may practise in Criminal Courts and Revenue Offices.

Mookhtars may plead in Criminal Courts.

12. Every person who shall have been admitted to practise as a Pleader or Mookhtar under the provisions hereinbefore contained may, subject to the conditions of his certificate as to the class of Courts in which he is authorized to practise, apply to be enrolled in the Court in which he shall desire ordinarily to practise; and on such application he shall be enrolled in a book to be kept for that purpose in such Court. Provided that neither this Section nor the last preceding Section shall apply to any Court established by Royal Charter.

Persons admitted in one Court admissible to practise in other Courts of same or subordinate jurisdiction.

13. Except as hereinafter provided, any person who shall practise as a Pleader or Mookhtar in any Civil or Criminal Court or Revenue Office to which this Act extends, without having previously obtained a properly stamped certificate authorizing him so to practise, which certificate shall be then in force, shall be liable by order of such Court or the Officer at the head of such Office to a fine not exceeding ten times the amount of the stamp required by this Act to be impressed on the certificate which he should then have held, and, in default of payment, to imprisonment in the Civil Jail for a period not exceeding six calendar months.

Uncertificated persons practising as Pleaders or Mookhtars to be liable to fine or imprisonment and to be incapable of recovering fees.

He shall also be incapable of maintaining any suit for any fee or reward for or in respect of anything done or any disbursement made by him as such Pleader or Mookhtar whilst he shall have been without such certificate.

High Court may suspend or dismiss Pleader or Mookhtar convicted of a criminal offence.

14. The High Court may suspend or dismiss any Pleader or Mookhtar enrolled under this Act in such Court, who shall be convicted of any criminal offence.

High Court may suspend or dismiss any Pleader or Mookhtar practising therein and guilty of unprofessional conduct.

15. The High Court may also, after such enquiry as it may deem proper, suspend or dismiss any Pleader or Mookhtar enrolled as aforesaid who shall be guilty of fraudulent or grossly improper conduct in the discharge of his professional duty, or for any other reasonable cause.

Procedure when charge of unprofessional conduct is brought in a subordinate Court.

16. If any Pleader or Mookhtar practising in any Court subordinate to the High Court, shall be charged in such subordinate Court with any such conduct as aforesaid, the Judge or Magistrate of the Court, as the case may be, shall send him a copy of the charge and also a notice that, on a day to be therein appointed, such charge will be taken into consideration. Such copy and notice shall be served upon the Pleader or Mookhtar at least ten days before the day so appointed; and on such day, or on any subsequent day to which the enquiry may be adjourned, the Court shall receive all evidence properly tendered by or on behalf of the party bringing the charge or by the Pleader or Mookhtar, and shall proceed to adjudicate on the charge. If the Judge or Magistrate shall find the charge established, and consider that the Pleader or Mookhtar should be suspended or dismissed in consequence, he shall record his finding and the grounds thereof, and shall report the same to the High Court, and the High Court shall proceed to acquit, suspend or dismiss the Pleader or Mookhtar. Such report when made by any Officer other than the District Judge shall be submitted to the High Court through the District Judge, who shall accompany the report with any remarks that he may think necessary and an expression of his own opinion on the case. Such report, when made by a Magistrate subordinate to the Magistrate of the District, shall be submitted through the Magistrate of the District to the District Judge, and shall be accompanied by the remarks and opinion of the Magistrate of the District as aforesaid. The Judge or Magistrate may, pending the investigation and the orders of the High Court, suspend the Pleader or Mookhtar from practising as such in his Court.

Suspension pending investigation.

High Court may call for the record in case of acquittal under Section 16.

17. The High Court, in any case in which a Pleader or Mookhtar shall have been acquitted under the last preceding Section otherwise than by an order of the High Court, may call for the record and pass such order thereon as shall seem fit.

Dismissed Pleader or Mookhtar to surrender his certificate.

18. When any Pleader or Mookhtar shall be suspended or dismissed under any of the foregoing Sections, he shall forthwith deliver up his certificate to the Court in which he was practising at the time he was so suspended or dismissed, or to any Court to which he shall be ordered by the High Court to deliver the same. If he fail to make such delivery, he shall be liable, by order of such Court, to a fine not exceeding two hundred Rupees, and, in default of payment, to imprisonment in the Civil Jail for a term not exceeding three calendar months. If during such suspension or after such dismissal, he shall practise as a Pleader or Mookhtar in any Court, he shall be liable, by order of such Court, to a fine not exceeding five hundred Rupees, and, in default of payment, to imprisonment in the Civil Jail for a term not exceeding six calendar months.

Of Agents practising in the Revenue Offices.

No person to act as Agent in Revenue Offices or Magistrates' Courts, unless qualified as herein provided.

19. No person other than a Pleader duly qualified under the provisions hereinbefore contained, or other than persons authorized by such general or special powers of attorney as are hereinafter mentioned, shall practise as an Agent in any proceeding before the Board of Revenue or in any Office subordinate to such Board, unless he shall have obtained a certificate from such Board in the manner hereinafter provided. Any such certificate, when renewed as provided in the twenty-first Section, may be issued and signed by the Secretary of the Board or by any other Officer authorized by the Board in that behalf, or by the Collector of the District within the limits of whose jurisdiction the holder of the certificate shall practise at the time of renewal.

Names of Revenue Agents to be enrolled.

20. The Board of Revenue shall cause the name of every person (hereinafter called a Revenue Agent) who shall have obtained such certificate to be enrolled in a book to be provided and kept for that purpose by the Secretary of the Board or other Officer authorized by the Board in that behalf.

Form of Certificate.

21. Every such certificate, whether original or renewed, shall be engrossed upon stamp paper to be supplied by the person entitled to the certificate, and shall be in the form contained in the third Schedule to this Act, and shall authorize the holder to practise for the period of one year from the date of the certificate. At the expiration of such time, the holder of the certificate, if desirous to continue to practise, shall renew his certificate, and on every such renewal the certificate then in his possession shall be cancelled and retained by the Officer or Collector signing the renewed certificate. Every Collector so renewing a certificate shall notify such renewal to the Board of Revenue.

Value of stamp.

22. The stamp on such certificate, whether original or renewed, shall be of the following value—

On a certificate authorizing the holder to practise as a Revenue Agent.

In the Board of Revenue or in any Office subordinate to the Board—Rupees fifteen.

In the Office of a Commissioner or in any Office subordinate to a Commissioner—Rupees ten.

In the Office of a Collector or in any Office subordinate to a Collector—Rupees five.

23. The Board of Revenue shall, before they shall grant any such certificate, satisfy themselves of the qualifications and fitness of the person applying for the same; and they are hereby authorized and required within six months after the commencement of this Act in the part of British India in which such Board is situate, to prepare rules for the purpose of defining what qualifications shall be required for such certificate.

Revenue Board to ascertain qualifications of Revenue Agents.

24. To facilitate the ascertainment of the qualifications mentioned in the last preceding Section, the Local Government shall from time to time appoint persons to be Examiners for the purposes aforesaid and make regulations for conducting the examinations.

Local Government to appoint Examiners.

25. Every person who shall have been admitted to practise as a Revenue Agent under this Act, may, subject to the conditions thereof as to the class of Offices in which he is authorized to practise, apply to be enrolled in the Office in which he shall desire ordinarily to practise, and on such application he shall be enrolled in a book to be kept for that purpose in such Office. Any such Revenue Agent shall also be entitled, on production of the certificate held by him, and subject to the conditions as aforesaid to practise as a Revenue Agent in all other Revenue Offices within the limits of the Territory under the Board of Revenue in which he is enrolled.

Enrolment of Revenue Agent in Office in which he shall usually practise.

26. The Board of Revenue may suspend or dismiss any Revenue Agent practising in any Revenue Office, who shall be convicted of any criminal offence.

Board of Revenue may suspend or dismiss Revenue Agent convicted of criminal offence.

27. The Board of Revenue may also, after making such enquiry as it may think proper, suspend or dismiss any Revenue Agent practising before such Board, who may be guilty of fraudulent or grossly improper conduct in the discharge of his professional duty, or for any other reasonable cause.

Board may suspend or dismiss Revenue Agent practising before it and guilty of unprofessional conduct.

28. If any Pleader shall, while practising before such Board, be charged with fraudulent or grossly improper conduct in the discharge of his duty in such practice, the Board shall enquire into the charge and report the result to the High Court, and the High Court, after making such further enquiry as it shall think fit, shall proceed to acquit, suspend or dismiss the Pleader, and shall thereupon send notice of such acquittal, suspension or dismissal to the said Board. Pending the investigation and the receipt of the notice last aforesaid, the Board may suspend the Pleader from practising before it.

Procedure when a Pleader is charged with unprofessional conduct before the Board of Revenue.

29. If any Pleader or Revenue Agent shall be charged with any such conduct in any Office subordinate to the Board of Revenue, the Officer at the head of such Office shall send him a copy of the charge and also a notice that, on a day to be therein appointed, such charge will be taken into consideration. Such copy and notice shall be served upon the person charged, at least ten days before the day so appointed; and on such day or on any other day to which the enquiry may be adjourned, the Officer shall receive all evidence properly tendered by or on behalf of the person bringing the charge, or by the person charged, and shall proceed to adjudicate on the charge. If the Officer find the charge established, and consider that the person charged should be suspended or dismissed in consequence, he shall record his finding and the grounds thereof and report the same to the Board of Revenue, and the Board shall, if the person charged be a Revenue Agent, proceed to acquit, suspend or dismiss him, and shall, if he be a Pleader, forward such report to the High Court in which he is enrolled. The High Court, after making any further enquiry which it shall think necessary, shall proceed to acquit, suspend or dismiss the Pleader so charged, and shall thereupon send notice of such acquittal, suspension or dismissal to the Board by whom such report was forwarded. If the Officer shall be subordinate to the Commissioner of a Division, he shall forward the report through such Commissioner, who shall accompany the same with any remarks that he may think necessary and an expression of his own opinion on the case.

Procedure when Pleader or Revenue Agent is so charged in any Office subordinate to Board of Revenue.

30. The Board of Revenue, in any case in which a Pleader or Revenue Agent shall have been acquitted under the last preceding Section otherwise than by an order of the High Court or Board, may call for the record and pass such order thereon as shall seem fit, subject, in the case of a Pleader, to the provisions of the twenty-eighth Section.

Power to Board to call for record.

31. Whenever a Revenue Agent who has been dismissed or suspended by order of the Board of Revenue shall also be a Mookhtar enrolled under the provisions of this Act, the Board of Revenue, shall forward a report of the case to the High Court in which he shall be enrolled; and such Court, after making any inquiry which it may think necessary, may suspend or dismiss him as such Mookhtar.

Report to High Court when dismissed Revenue Agent is also an enrolled Mookhtar.

32. The provisions of the eighteenth Section shall apply to any Pleader or Mookhtar suspended or dismissed under the twenty-eighth, twenty-ninth or thirty-first Section.

Section 18 to apply to Vakeel or Mookhtar suspended or dismissed under Sections 28, 29, or 31.

33 When a Revenue Agent shall be suspended or dismissed under any of the foregoing Sections, he shall forthwith deliver up his certificate to the Board of Revenue or the Officer at the head of the Office in which he was practising at the time he was so suspended or dismissed, or to any other Officer whom the Board may order to receive the same. If he fail to make such delivery, he shall be liable by order of the Board or such Officer as aforesaid to a fine not exceeding two hundred Rupees, and, in default of payment, to imprisonment in the Civil Jail for a term not exceeding three calendar months.

Dismissed Revenue Agent to surrender his certificate.

34. Every person who shall practise as a Revenue Agent in any Revenue Office in the Territories to which this Act ex-

Penalty on unqualified person practising as Agent.

tends, without holding a certificate then in force and without being duly qualified to practise as herein provided, shall be liable by order of the Board or Officer in whose Office he shall so practise to a fine not exceeding Rupees two hundred and, in default of payment, to imprisonment in the Civil Jail for a period which may extend to three calendar months. The person so fined as aforesaid shall be incapable of maintaining any suit for any fee or reward for or in respect of any thing done or any disbursement made by him in the course of such practising.

Persons authorized by general or special powers of attorney may be Agents.

35. Nothing hereinbefore contained shall prevent any person from employing any other person, though not a Revenue Agent enrolled under the provisions of this Act, to commence and prosecute all business or any particular business in which the employer may be concerned in any Revenue Office: Provided that the person so commencing and prosecuting all or any such business as aforesaid shall hold a general or special power of attorney, as the case may be, in that behalf, from the person so employing him: Provided also that no person shall act as last aforesaid unless he shall have received the general or the special sanction, as the case may be, in that behalf, of the Board of Revenue or other Officer authorized by the Local Government to grant such sanction.

Sanction required.

Sanction may be revoked or suspended.

36. Such general or special sanction, as the case may be, may at any time be revoked or suspended by the Board of Revenue or other Officer as aforesaid by whom it was granted; and any person who, having received such sanction, shall practise under the nineteenth Section during the continuance of such revocation or suspension, shall be liable to the penalties and incur the disabilities mentioned in the thirty-third Section.

Of the Remuneration of Pleaders and Revenue Agents.

High Court and Revenue Board to fix fees on Civil and Revenue proceedings.

37. The High Court shall from time to time fix and regulate the fees which shall be payable upon all proceedings in the Courts by any party in respect of the fees of his adversary's Pleader; and the Board of Revenue shall from time to time fix and regulate the fees which shall be payable upon all proceedings in the Revenue Courts and Offices by any party in respect of the fees of his adversary's Pleader or Revenue Agent. Tables of the fees so fixed shall be published in the Official Gazette.

Section 37 not to apply to Agents appointed under Section 35.

38. The provisions of the last preceding Section shall not be applicable to Agents appointed under the thirty-fifth Section.

Clients may make private agreements with their Pleaders, Mookhtars or Revenue Agents as to remuneration.

39. Parties employing Pleaders, Mookhtars or Revenue Agents in any Court or Office shall be at liberty to settle with them by private agreement the remuneration to be paid for their professional services, and it shall not be necessary to specify such agreement in the power under which such Pleaders, Mookhtars or Revenue Agents for the time being act. Such agreements shall not be enforced otherwise than by regular suit.

Miscellaneous.

Suitors may appear, &c., for co-suitors.

40. Any suitor may appear, plead and act in any suit, appeal or other proceeding on behalf of any co-suitor. And in all Criminal Courts, any person defending a case may (with the permission of the presiding Judge or Magistrate) employ any other person, though not a Pleader or Mookhtar duly qualified under the provisions of this Act, to assist him in such defence. But no suitor nor person so appearing, pleading, acting or assisting, shall be entitled to recover any fee or reward therefor.

Prosecutors or prisoners may employ any assistant.

Fees not recoverable by such persons.

41. The rules mentioned in the fourth and twenty-third Sections and all variations of and additions to such rules, shall be published in three consecutive numbers of the Official Gazette. Rules made under this Act by a High Court not established by Royal Charter shall, before such publication, be submitted to and approved by the Local Government.

Rules to be published in the Gazette.

42. Every order for imposing a fine which shall be passed under this Act, shall be subject to revision by the High Court if the order shall have been passed by a Court subordinate to the High Court, or by the Board of Revenue if the order shall have been passed by an Officer subordinate to such Board.

Fines subject to revision.

43. Any person who at the time that this Act shall come into operation in any part of British India shall be practising as a Pleader in any Court in such part, and who shall wish to be enrolled as a Pleader under this Act may apply to be so enrolled to the Court in which he is practising. Such Court, if subordinate to the High Court, shall forward the application to the High Court. The High Court shall cause the applicant to be enrolled under the provisions of this Act, and, if he be practising in a subordinate Court, shall authorize the District Judge to grant a certificate to the applicant as provided in the eighth, ninth and tenth Sections. Applications for enrolment under this Section, when made by any Pleader practising in a Court subordinate to the District Court, shall be forwarded to the High Court through the District Judge.

Pleaders in subordinate Courts may apply to District Judge for enrolment.

44. With the exception of Section thirty-nine this Act shall not apply to Advocates, Vakeels and Attorneys-at-law, admitted and enrolled by any High Court under the Letters Patent by which such Court is constituted, nor to Mookhtars practising in such Court: Provided that the High Court shall have power to make rules for the qua-

Act not to apply to Advocates, &c., admitted & enrolled by any High Court under Letters Patent.

lification, admission, enrolment, suspension and dismissal of the Mookhtars practising on the appellate side of such Court and to prescribe penalties for persons practising contrary to such rules or any of them, and from time to time to vary such rules and penalties. Provided also that the High Court may from time to time fix and regulate the fees which shall be payable on all proceedings on the appellate side of such Court by any party in respect of the fees of his adversary's Vakeel. The rules, penalties and fees so made, prescribed and fixed and every variation thereof shall be published in three consecutive numbers of the Official Gazette.

Advocates and Vakeels enrolled in a High Court may practise in any Court other than a High Court in which they are not enrolled.

45. Every person now or hereafter enrolled as an Advocate or Vakeel on the Roll of any High Court under the Letters Patent constituting such Court shall, notwithstanding any thing hereinbefore contained, be entitled as such to practise in any Court in British India other than a High Court on whose Roll he is not enrolled, or in any such Court with the permission of the Court, and in any Revenue Office, subject nevertheless to the rules in force relating to the language in which the Court or Officer is to be addressed by Pleaders or Revenue Agents. Provided that no such Vakeel shall be entitled to practise under this Section before a Judge of the High Court, Division Court or High Court exercising original jurisdiction.

Attorney of a High Court may plead in any Court not a High Court.

46. Every person now or hereafter enrolled as an Attorney on the Roll of any High Court shall, notwithstanding anything hereinbefore contained, be entitled as such to *practise* in any Court of British India other than a High Court established by Royal Charter and in any Revenue Office.

Commencement and extent of Act.

47. This Act shall take effect in the Territories under the Governments of the Lieutenant Governors of Bengal and the North-Western Provinces, respectively, on the first day of January 1866, and may be extended by order of any other Local Government to the Territories subject to such Government. Every such order shall be published in the Official Gazette.

Repeal of inconsistent enactments in Madras, Bombay, the Punjab, &c.

48. From the date on which this Act shall be extended by the Local Government under the provision contained in the last preceding Section to the Territories subject to such Government, so much of the Regulations in force therein as is in any way inconsistent with, or repugnant to, any of the provisions of this Act, shall cease to have effect in such Territories except as to the recovery and application of any penalty for any offence which shall have been incurred before such extension of the Act.

FIRST SCHEDULE.

Regulations and Acts and parts of Regulations and Acts repealed so far as they affect the Territories to which this Act extends.

Number and date of Regulations.	What Code.	Title.	Extent of Repeal.
Regulation XXVII, 1814.	Bengal Code.	For reducing into one Regulation, with amendments and modifications, the several rules which have been passed regarding the office of Vakeel or Native Pleader in the Courts of Civil Judicature.	So much as has not already been repealed.
Regulation VII, 1822.	Bengal Code.	For declaring the principles according to which the settlement of the land revenue in the Ceded and Conquered Provinces, including Cuttack, Puttaspore, and its dependencies, is to be hereafter made, and the powers and duties belonging to Collectors or other Officers employed in making, revising, or superintending Settlements; for continuing, with certain exceptions, the existing leases within the said Provinces, for a further term of five years; for defining, settling, and recording the rights and obligations of various classes and persons possessing an interest in the land, or in the rent or produce thereof; and for vesting the Revenue Authorities with judicial cognizance in certain cases of suits and claims relating to land, the rent, and produce of land.	Section xxv.
Regulation IX, 1825.	Bengal Code.	For extending the operation of Regulation VII, 1822; for authorizing the Revenue Authorities to let in farm estates under temporary leases, on the default of the Malguzars, or to hold the same khas for a term of years; for modifying and adding to the rules contained in Regulation II, 1819; and for making certain other amendments in the existing Regulations.	So much of Clause 9, Section v, as provides that Section xxv of Regulation VII of 1822, shall be applicable to cases investigated by Collectors under the rules of Regulation II of 1819, or under the provisions of Regulation IX of 1825.

Number and date of Acts.	Title.	Extent of Repeal.
Act I of 1846.	For amending the law regarding the appointment and remuneration of Pleaders in the Courts of the East India Company.	The whole.
Act XVIII of 1852.	To amend the law relating to Pleaders in the Lower Provinces of the Presidency of Bengal.	The whole.
Act XX of 1853.	To amend the law relating to Pleaders in the Courts of the East India Company.	The whole.
Act X of 1859.	To amend the law relating to the recovery of rent in the Presidency of Fort William in Bengal.	So much of Section lxxi as directs that no fee for any Agent shall be charged as part of the costs of suit in any case under the said Act, and the whole of Section cxlix.

SECOND SCHEDULE.

Form of Pleader or Mookhtar's Certificate.

Stamp

Pursuant to "The Pleaders, Mookhtars and Revenue Agents' Act, 1865," I hereby certify that A. B. Pleader [*or* Mookhtar], whose place [*or* places] of business is [*or* are] at hath this day delivered and left with me a declaration in writing signed by him and containing his name and place [*or* places] of business and the Court [*or* Courts] of which he is admitted a Pleader [*or* Mookhtar] together with the year in which he was so admitted; and I hereby further certify that he is duly enrolled in the High Court of Judicature at Fort William in Bengal [*or* the Sudder Court of the North-Western Provinces, *or as the case may be*] and that he is entitled to practise as a Pleader [*or* Mookhtar] in the District Courts, subordinate Courts, and Small Cause Courts [*or* the Sudder Court of the North-Western Provinces, and any subordinate Court, *or* the Sudder Ameens' Courts, *or* the Moonsiffs' Courts *as the case may be*] and to practise as a Revenue Agent before the Board of Revenue of the Lower Provinces [*or* of the North-Western Provinces, *or as the case may be*] for the period of one year from the date hereof. Given under my hand this day of 186 .

C. D.

Registrar [*or as the case* may be] of the High Court of Judicature at Fort William in Bengal [*or* of the Sudder Court of the North-Western Provinces, *or as the case may be.*]

THIRD SCHEDULE.

Form of Revenue Agent's Certificate.

Stamp

Pursuant to "The Pleaders, Mookhtars and Revenue Agents' Act, 1865," I hereby certify that A. B. of is entitled to practise as a Revenue Agent before the Board of Revenue of the North-Western Provinces [*or* of the Lower Provinces, *or as the case may be*], and in any office subordinate thereto in such Provinces, for the period of one year from the date hereof. Given under my hand this day of 186 .

C. D.

Secretary to the Board of Revenue of the North-Western Provinces [*or* the Lower Provinces, *or as the case may be.*]

WHITLEY STOKES,
Offg. Asst. Secy. to the Govt. of India, Home Dept. (Legislative).

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 10th April 1865, and is hereby promulgated for general information:—

ACT No. XXI OF 1865.

An Act to define and amend the Law relating to Intestate Succession among the Parsees.

Preamble.

Whereas it is expedient to define and amend the Law relating to Intestate Succession among the Parsees; It is enacted as follows:—

Division of property among widow and children of Intestate.

1. Where a Parsee dies leaving a widow and children, the property of which he shall have died intestate shall be divided among the widow and children, so that the share of each son shall be double the share of the widow, and that her share shall be double the share of each daughter.

Division of property among widower and children of Intestate.

2. Where a female Parsee dies leaving a widower and children, the property of which she shall have died intestate shall be divided among the widower and such children, so that his share shall be double the share of each of the children.

Division of property amongst the children of male Intestate who leaves no widow.

3. When a Parsee dies leaving children but no widow, the property of which he shall have died intestate shall be divided amongst the children, so that the share of each son shall be four times the share of each daughter.

4. When a female Parsee dies leaving children but no widower, the property of which she shall have died intestate shall be divided amongst the children in equal shares.

Division of property amongst the children of female Intestate who leaves no widower.

5. If any child of a Parsee Intestate shall have died in his or her lifetime, the widow or widower and issue of such child shall take the share which such child would have taken if living at the Intestate's death in such manner as if such deceased child had died immediately after the Intestate's death.

Division of predeceased child's share of Intestate's property among the widow or widower and issue of such child.

6. Where a Parsee dies leaving a widow or widower, but without leaving any lineal descendants, his or her father and mother, if both are living, or one of them if the other is dead, shall take one moiety of the property as to which he or she shall have died intestate, and the widow or widower shall take the other moiety. Where both the father and the mother of the Intestate survive him or her, the father's share shall be double the share of the mother. Where neither the father nor the mother of the Intestate survives him or her, the Intestate's relatives on the father's side, in the order specified in the first Schedule hereto annexed, shall take the moiety which the father and the mother would have taken if they had survived the Intestate. The next of kin standing first in the same Schedule shall be preferred to those standing second, the second to the third, and so on in succession, provided that the property shall be so distributed as that each male shall take double the share of each female, standing in the same degree of propinquity. If there be no relatives on the father's side, the Intestate's widow or widower shall take the whole.

Division of property when the Intestate leaves a widow or widower, but no lineal descendants.

7. When a Parsee dies leaving neither lineal descendants nor a widow or widower, his or her next of kin, in the order set forth in the second Schedule hereto annexed, shall be entitled to succeed to the whole of the property as to which he or she shall have died intestate. The next of kin standing first in the same Schedule shall always be preferred to those standing second, the second to the third, and so on in succession, provided that the property shall be so distributed as that each male shall take double the share of each female standing in the same degree of propinquity.

Division of property when the Intestate leaves neither widow nor widower nor lineal descendants.

8. The following portions of the Indian Succession Act, 1865, shall not apply to Parsees (that is to say) the whole of Part III, the whole of Part IV excepting Section twenty-five, the whole of Part V, and Section forty-three.

Exemption of Parsees from certain parts of the Indian Succession Act, 1865.

THE FIRST SCHEDULE.

(1.) Brothers and sisters, and the children or lineal descendants of such of them as shall have predeceased the Intestate.

(2.) Grandfather and grandmother.

(3.) Grandfather's sons and daughters, and the lineal descendants of such of them as shall have predeceased the Intestate.

(4.) Great grandfather and great grandmother.

(5.) Great grandfather's sons and daughters, and the lineal descendants of such of them as shall have predeceased the Intestate.

THE SECOND SCHEDULE.

(1.) Father and mother.

(2.) Brothers and sisters and the lineal descendants of such of them as shall have predeceased the Intestate.

(3.) Paternal grandfather and paternal grandmother.

(4.) Children of the paternal grandfather, and the lineal descendants of such of them as shall have predeceased the Intestate.

(5.) Paternal grandfather's father and mother.

(6.) Paternal grandfather's father's children, and the lineal descendants of such of them as shall have predeceased the Intestate.

(7.) Brothers and sisters by the mother's side, and the lineal descendants of such of them as shall have predeceased the Intestate.

(8.) Maternal grandfather and maternal grandmother.

(9.) Children of the maternal grandfather, and the lineal descendants of such of them as shall have predeceased the Intestate.

(10.) Son's widow, if she have not re-married at or before the death of the Intestate.

(11.) Brother's widow, if she have not re-married at or before the death of the Intestate.

(12.) Paternal grandfather's son's widow, if she have not re-married at or before the death of the Intestate.

(13.) Maternal grandfather's son's widow, if she have not re-married at or before the death of the Intestate.

(14.) Widowers of the intestate's deceased daughters, if they have not re-married at or before the death of the Intestate.

(15.) Maternal grandfather's father and mother.

(16.) Children of the maternal grandfather's father, and the lineal descendants of such of them as shall have predeceased the Intestate.

(17.) Paternal grandmother's father and mother.

(18.) Children of the paternal grandmother's father, and the lineal descendants of such of them as shall have predeceased the Intestate.

WHYTLEY STOKES,
Offg. Asst. Secy. to the Govt. of India,
Home Dept., (Legislative.)

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 17th April 1865, and is hereby promulgated for general information :—

ACT No. XXII OF 1865.

An Act to amend Act No. XVIII of 1864, (to provide for the appointment of a Municipal Committee for the City of Lucknow).

Preamble.

Whereas it is expedient to amend Act No. XVIII of 1864 (to provide for the appointment of a Municipal Committee for the City of Lucknow); It is enacted as follows :—

Act XVIII of 1864, Section 21, repealed.

1. Section twenty-one of the said Act No. XVIII of 1864 is hereby repealed, and the following Section shall be read in lieu thereof.

Power to Governor General in Council to extend Act XVIII of 1864

2. It shall be lawful for the Governor-General of India in Council, by Order published in the Gazette of India, to extend the said Act to any place under the immediate administration of the Government of India; and when so extended, it shall have effect in such place as if the name of such place were substituted throughout the said Act for the name "Lucknow." The Governor General of India in Council shall by such Order declare how many persons shall be members, and what and how many persons shall be *ex-officio* members, of the Committee to be constituted in the place to which the said Act shall have been so extended: Provided that the number of such *ex-officio* members shall not be more than one-third of the number of all the members of such Committee.

This Act to be construed with Act XVIII of 1864.

3. This Act shall be read and taken as part of the said Act No. XVIII of 1864.

WHITLEY STOKES,

Offg. Asst. Secy. to the Govt. of India, Home Department (Legislative.)

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 17th April 1865, and is hereby promulgated for general information :—

ACT No. XXIII OF 1865.

An Act to amend the constitution of the Chief Court of Judicature in the Punjab and its Dependencies.

Preamble.

Whereas it is expedient to amend the constitution of the Court of the Judicial Commissioner of the Punjab and its Dependencies, and to invest the Judges of the Court constituted under this Act with an original jurisdiction for the trial of certain Civil and Criminal cases; It is enacted as follows :—

Interpretation of terms.

1. In this Act, unless there be something repugnant in the subject or context—

"Punjab." "Punjab" means the Territories for the time being under the Government of the Lieutenant-Governor of the Punjab and its Dependencies.

"Lieutenant-Governor." "Lieutenant-Governor" means the Lieutenant-Governor for the time being of the Punjab.

"Chief Court." "Chief Court" means the Chief Court of the Punjab constituted under this Act.

"Judge," "Registrar." "Judge," "Registrar" and other words denoting any particular Officer respectively include any person for the time being authorized to act as such Judge, Registrar or other Officer.

"Magistrate." "Magistrate" denotes any person exercising any of the powers of a Magistrate as defined in the Code of Criminal Procedure.

"Barrister." "Barrister" includes Barristers of England or Ireland, and Members of the Faculty of Advocates in Scotland.

"Section." "Section" denotes a Section of this Act.

Number. Words in the singular include the plural: words in the plural include the singular.

Gender. Words importing the masculine gender include females.

Constitution of Chief Court.

2. The Court constituted under this Act shall be styled the Chief Court of the Punjab, and shall consist of two or more Judges, who shall be appointed by the Governor-General of India in Council, and of whom one at least shall always be a Barrister of not less than five years' standing: Provided that the person who at the time of the constitution of the Chief Court shall be the Judicial Commissioner of the Punjab, shall become a Judge of such Court without further appointment for that purpose.

Precedence of Judges of Chief Court.

3. The Judges of the Chief Court shall have rank and precedence in the Court according to the seniority of their appointments as such Judges.

Tenure of office of Judges of Chief Court.

4. The Judges of the Chief Court shall hold their offices during the pleasure of the Governor-General of India in Council.

Declaration to be made by persons appointed Judges of Chief Court.

5. Previously to entering on the execution of the duties of his office, every Judge appointed under this Act shall make or subscribe the following declaration before the Lieutenant-Governor or

such authority or person as he may commission to receive the same:—

"I, A. B., appointed Judge of the Chief Court of the Punjab, do solemnly declare that I will faithfully perform the duties of my office to the best of my ability, knowledge, and judgment."

Appointment of Registrar.

6. The Judges of the Chief Court with the sanction of the Lieutenant-Governor may, from time or time, appoint a person to be the Registrar of the said Court. The Registrar shall be the principal Ministerial Officer of the Court, and shall have such powers, and perform such duties, as shall be given and assigned to him by the Court by any rule duly made by the Court under the forty-fourth Section.

Appointment and removal of Ministerial Officers.

7. The Judges of the Chief Court may, from time to time, and subject to any rules and restrictions which may be prescribed by the Governor-General of India in Council, appoint a Deputy Registrar and such and so many Clerks and other Ministerial Officers as shall be found necessary for the administration of justice by such Court, and the due execution of the powers and authorities given to it by this Act.

Dismissal of Officers of Court.

8. Every Officer appointed under either of the last two preceding Sections shall be liable to dismissal by order of the Chief Court: Provided that neither the Registrar nor Deputy Registrar shall be removed from office without the sanction of the Lieutenant-Governor.

Seal of Chief Court.

9. The Chief Court shall have, and use as occasion may require, a Seal with this inscription "The Seal of the Chief Court of the Punjab," to be made under the directions of the Lieutenant-Governor; and all summonses, decrees and other process issuing out of the Court shall be stamped with such Seal, and signed by a Judge or the Registrar or Deputy Registrar of the Court.

Processes to be sealed with Court Seal, and signed by Judge or Registrar.

Agent for Secretary of State, suitors and Advocates, &c., of High Courts may appear and plead.

10. Any person duly authorized by the Secretary of State for India in Council to appear, plead or act on his behalf; (2) any suitor appearing, pleading or acting on his own behalf or on behalf of a co-suitor; (3) any person who, for the time being, is an Advocate, Vakeel or Attorney-at-law of any of the High Courts of Judicature in India or of the Sudder Court of the North-Western Provinces,—shall be permitted to appear and act as the Pleader of any suitor in the Chief Court in any suit or touching any matter whatever.

Licensing of Pleaders.

Save as aforesaid, no person shall be permitted to appear or act as the Pleader of any suitor in the Chief Court in any suit, or touching any matter whatever, unless such person shall have been previously licensed by the Court to act for the suitors of such Court generally, or specially for the particular occasion. It shall be lawful for the Judges to make Rules for the qualifications and admission of proper persons to act as Pleaders in the Court.

Rules regarding their qualifications and admission.

Power to suspend or revoke Pleaders' license.

11. The Chief Court may for sufficient reason revoke any license which the Court shall at any time grant to any person to act generally or specially as a Pleader under this Act, and may for sufficient reason suspend any person whatsoever from appearing or acting as a Pleader in any suit, or touching any matter.

Fees of Pleaders to be subject to control.

12. The fees to be received by any Pleader, other than an Advocate of a High Court, shall be subject to the order and control of the Court, and no fees shall be recoverable by any such Pleader except such fees as shall be allowed under the forty-fourth Section.

The Chief Court to be the ultimate Court of Appeal from the Civil and Criminal Courts in the Punjab.

13. The Chief Court shall be the highest Court of Appeal from the Civil and Criminal Courts in the Punjab, and shall (subject to the provision hereinafter contained) be the only Court exercising appellate jurisdiction in such cases (whether relating to the title or succession to land or to the possession or any right in respect of land or otherwise) as are subject to appeal to the highest Civil and Criminal Court in the Punjab, by virtue of any law or practice now in force, or as shall become subject to appeal to the Chief Court by virtue of any law hereafter made by the Governor-General of India in Council. Provided that when a settlement of Land Revenue shall be in progress, and the Local Government, under Act No. XIX of 1865 *(to define the jurisdiction of the Courts of Judicature of the Punjab and its Dependencies)* shall have invested the Financial Commissioner of the Punjab with the power of a Court of final appeal in any class of suits regarding land, or the rent revenue or produce of land, the jurisdiction of the Chief Court shall, so far as regards such class of suits, be barred during the continuance of the power with which such Commissioner shall have been so invested.

Extraordinary original Civil jurisdiction.

14. The Chief Court may remove and try and determine as a Court of original jurisdiction any suit being or falling within the jurisdiction of any Court subject to its superintendence when the Chief Court shall think proper to do so, either on the agreement of the parties to that effect, or for purposes of justice.

Power to transfer suits and appeals from one subordinate Court to another.

15. The Chief Court may withdraw any suit or appeal from any Court subject to its superintendence other than a Court of Small Causes or a Court of a Cantonment Magistrate, and refer such suit or appeal for trial to any other subordinate Court competent in respect of the value or amount of the suit to try the same.

16. The Chief Court may call for the record of any case decided by any Court of Small Causes, or on appeal by any Court subject to its superintendence in which no appeal shall lie to the Chief Court, if such Court of Small Causes or subordinate Court in hearing the appeal shall appear to have exercised a jurisdiction not vested in it by law.

Power to call for record of cases decided by subordinate Courts.

17. All special appeals preferred after the date on which the Chief Court is established, from the decrees of Civil Courts of whatever grade in the Punjab, shall lie to and shall be heard by the Chief Court only, and not by any other Court.

Special appeal from Courts in Punjab to lie only to Chief Court.

18. Save as in this Act is otherwise provided, the proceedings in the Chief Court in Civil suits of every description between party and party shall be regulated by the Rules relating to Civil Procedure for the time being in force in the Punjab.

Regulation of proceedings in Civil suits.

19. In the exercise of its Civil jurisdiction, Original as well as Appellate, such Rules of law or equity and good conscience shall (until otherwise provided) be applied by the Chief Court in each case coming before it, as would have been applicable to such case by any local Court having jurisdiction therein.

In exercise of Civil jurisdiction, law of the local Courts to apply.

20. The Chief Court shall have power, as a Court of original jurisdiction, to try European British subjects committed to it for trial; and from the date on which this Act shall come into operation, no commitment of a European British subject for trial by a High Court of Judicature, shall be made by any Court or Officer in the Punjab; but every commitment which, if this Act had not been passed, could have been made to a High Court, shall be made to the Chief Court. Whenever any such European British subject shall be committed or bailed for trial before the Chief Court, the Chief Court shall direct at what place within the limits of its jurisdiction the trial shall be held.

Power to try European British subjects.

21. Any Justice of the Peace or Magistrate who shall commit to custody or hold to bail any European British subject for trial before the Chief Court, shall, together with the record of the preliminary enquiry and all recognizances and other documents and any weapon or article of property connected with the case, deliver to the Registrar of the Chief Court a written instrument of charge signed by him, stating for what offence such European British subject is so committed or held to bail.

Charge to be delivered to Registrar with commitment of European British subject.

22. The Chief Court shall consider the charge, and may, if it appear necessary or expedient so to do, amend, alter or add to the same. The charge, with such amendments, alterations or additions, if any, shall be recorded in the Chief Court, and the person charged shall be entitled to have a copy of such charge with such amendments, alterations or additions (if any) gratis.

Chief Court to consider, and, if it will, to amend, alter or add to the charge.

Charge with amendments, alterations or additons (if any) to be recorded.

23. The person charged shall also, if he demands them at a reasonable time before the trial, be furnished with copies of the depositions of the witnesses upon whose depositions he has been so committed or held to bail, on payment of a reasonable sum for the same, not exceeding one anna for each folio of ninety words.

Accused to have copies of examinations.

24. Upon charges recorded as aforesaid, persons committed to custody or held to bail shall be deemed to have been brought before the Chief Court in due course of law, and (subject to the provisions contained in the Code of Criminal Procedure as to the amendment and alteration of charges, and subject also to the provisions of the next following Section) shall be tried upon the charges so recorded.

Effect of charge.

25. When any such charge shall have been recorded in the Chief Court as aforesaid, and shall at any time before the commencement of the trial of the person charged, appear to the Chief Court to be clearly unsustainable, an entry to that effect may be made on the charge by a Judge of the Court. Such entry shall have the effect of staying proceedings upon the charge, but shall not operate as an acquittal of the person charged unless and until three years from the time of making the entry shall have elapsed, at the expiration of which period, if no fresh charge have been brought on the same matter, he shall be considered as having been acquitted.

Chief Court may order an unsustainable charge not to be proceeded with.

Effect of such order.

26. The Chief Court shall ordinarily hold its sittings at the seat of Government of the Punjab: but it may from time to time, with the approval of the Lieutenant-Governor, hold sittings at such other places in the Punjab as shall seem convenient. Due notice shall be given beforehand in the Official Gazette of all sittings intended to be held for the trial of cases in the exercise of the original Criminal jurisdiction of the Court.

Places of holding sittings.

27. Pending the directions of the Chief Court as to the place of trial, every such European British subject as is referred to in the twenty-first Section shall (if not out on bail) be committed by the Justice of the Peace or Magistrate for intermediate custody to the nearest Criminal jail in which he can be most conveniently confined. If the trial shall be directed to be held at the usual place of sitting of the Court, the Justice of the Peace or Magistrate shall bind over the person charged to appear and take his trial at such usual place of sitting, or shall commit him to the jail at such place. If the Chief Court shall direct that the person charged be tried else-

Procedure pending directions of Chief Court as to place of trial of European British subject.

where than at its usual place of sitting, the Justice of the Peace or Magistrate shall bind him over to appear and take his trial at the place directed, or shall, if necessary, cause him to be removed to the Criminal jail of or nearest to the place at which he is directed to be tried; and the Officer in charge of such Criminal jail shall keep him in safe custody until discharged in due course of law.

Chief Court may order European British subjects committed in certain Districts in certain seasons of the year to be tried at a particular place and confined in a particular jail.

28. It shall be lawful for the Chief Court to direct that all European British subjects committed or bailed for trial within certain specified Districts or during certain specified periods of the year, shall be tried at the usual place of sitting of the Court, or to direct that they shall be tried at a particular place named, and also to order that such European British subjects shall, if not bailed, be committed for intermediate custody to a particular jail, being one of the jails appointed by the Government for the reception of such prisoners.

Trials under Section 20 to be by Jury.

29. All trials under the twentieth Section shall be by Jury.

Summoning of Jurors to serve on trials.

30. Whenever the Chief Court shall have given notice of its intention to hold sittings at any place (whether at the seat of Government of the Punjab or otherwise) for the exercise of its original Criminal jurisdiction, the Court of Session at such place shall take and cause to be taken the measures prescribed by Sections three hundred and thirty-six to three hundred and forty, both inclusive, of the Code of Criminal Procedure for the summoning of Jurors; and in addition to the persons so summoned as Jurors, the said Court of Session shall, if it shall think needful, after communication with the Commanding Officer, cause to be summoned such number of Commissioned and Non-Commissioned Officers in the Military service resident with ten miles of its place of sitting as the Court shall consider to be necessary to make up the Juries required for the trial of European British subjects charged with offences before the Chief Court as aforesaid. All Commissioned and Non-Commissioned Officers so summoned shall be liable to serve on such Juries notwithstanding anything contained in the Code of Criminal Procedure, but no Commissioned or Non-Commissioned Officer shall be summoned whom his Commanding Officer shall desire to have excused on the ground of urgent Military duty or for any other special Military reason. The Juries for the trial of European British subjects as aforesaid shall be formed in the manner required by the Code of Criminal Procedure and by this Act from the persons summoned under the said Sections of the Code of Criminal Procedure, and from the Commissioned and Non-Commissioned Officers summoned as aforesaid, or, if no such Officers have been summoned, then solely from the persons summoned under the same Sections.

Military men not exempt.

Jury for trial of European British subject.

31. If any European British subject charged as aforesaid shall so require before the Jury shall be empannelled, the majority of the Jurors shall consist of Europeans or Americans or both Europeans and Americans.

Number of Jury requisite to verdict of guilty.

32. On every trial of an European British subject under this Act, the Jury shall consist of twelve persons, and unanimity, or a majority of not less than nine with the concurrence of the presiding Judge, shall be necessary for a verdict of guilty. In default of such unanimity, or of such majority and concurrence, the prisoner shall be acquitted.

Portions of Section 380 of Criminal Procedure Code not to apply to sentences by Chief Court.

33. So much of the three hundred and eightieth Section of the Code of Criminal Procedure as requires the confirmation by the Sudder Court of sentences of death passed by a Court of Session, and so much of the said Section as requires from the Court a statement of the grounds on which a person convicted of an offence made punishable by death by the Indian Penal Code has been sentenced to a punishment other than death, shall not apply to sentences by the Chief Court passed in the exercise of its original Criminal jurisdiction.

Portion of 26th Chapter of Criminal Procedure Code not to apply to sentences of Court.

34. So much of the twenty-sixth Chapter of the Code of Criminal Procedure as requires judgment to be passed by a Criminal Court in any particular form, and as requires that the sentence or finding shall be recorded in any particular form, shall not apply to judgments, sentences or findings in trials before the Chief Court acting in the exercise of its original Criminal jurisdiction; but the Chief Court shall pass judgment and shall record or cause to be recorded the sentence and finding in such form as it shall think proper.

Power to single Judge to reserve for Chief Court any question of law or evidence.

35. When any person has been convicted of an offence before a Judge of the Chief Court acting in the exercise of its original Criminal jurisdiction, the Judge, if he think proper, may reserve for the decision of a Court consisting of such Judge and one or more other Judge or Judges of the Chief Court, any question of law or of the admissibility of evidence which has arisen in the course of the trial of such person. If the Judge reserve no such question, he shall forward the prisoner with a copy of his sentence and a warrant for the execution of the same to the Magistrate or other Officer in charge of the jail of the District or place in which the trial was held, and on the receipt of the warrant such Magistrate or other Officer shall proceed as provided in the three hundred and eighty-fifth Section of the Code of Criminal Procedure. If the Judge reserve any question of law or of the admissibility of evidence, the person convicted shall, pending the decision thereon, be remanded to jail. If the decision on the question be adverse to the person convicted, the Court shall send a copy of its sentence and a warrant for the execution of the same to the Magistrate or other Officer in charge of the jail to which the prisoner shall

Procedure where no such question reserved.

have been remanded, and such Magistrate or other Officer shall proceed as provided in the same Section.

Save as aforesaid, Criminal Procedure Code to apply to juries, trials, sentences and execution.

36. Save as is hereinbefore otherwise provided, the Code of Criminal Procedure shall apply to the constitution and formation of Juries for the purpose of trials before the Chief Court acting in the exercise of its original Criminal jurisdiction and to trials before such Court and to sentences by such Court and to the carrying into execution of such sentences.

British subjects to be amenable for offences committed in foreign territory.

37. Every European British subject apprehended within the Punjab, or delivered into the custody of a Magistrate within the Punjab wherever apprehended, shall be amenable to the law for any offence committed by him within the territory of any Foreign Prince or State, and may be bailed or committed for trial as hereinafter provided on the like evidence as would warrant his being bailed or committed for trial for the same offence if it had been committed in the Punjab.

Committing Magistrate to report to the Lieutenant-Governor.

38. The committing Magistrate immediately and before the trial shall report the case to the Lieutenant-Governor, and shall obey the orders which he shall receive thereon, and the Lieutenant-Governor may order the trial to be had before the Chief Court.

If the offence is committed where there is a competent Court, Lieutenant-Governor may take steps to have trial there.

39. When the offence is charged to have been committed in the territory of any Foreign Prince or State, administered by Officers acting under the authority of the Government of India, in which territory a Court competent to try the person charged is established by authority of the Governor-General of India in Council, the Lieutenant-Governor may order such person to be conveyed in custody out of the Punjab for the purpose of delivering him up for trial before such Court.

Form of warrant of commitment and of bail-bond.

40. When the person charged is committed to custody the form of the warrant shall specify the commitment to be until the orders of the Lieutenant-Governor can be received and acted on. When he is bailed, the form of the bail-bond shall be in the first instance to appear before the Magistrate on a certain day assigned, allowing reasonable time for the receipt of the orders of the Lieutenant-Governor, and on such subsequent days as the Magistrate shall from time to time require. If the Lieutenant-Governor shall order the person charged to be tried in the Chief Court, the Magistrate may cause the bail-bond to be renewed in the usual form to appear and take his trial in such Court.

Order of Lieutenant-Governor to be full authority.

41. In either case the special order of the Lieutenant-Governor shall be deemed full authority either for the trial of the person charged within the Punjab, or for conveying him in custody out of the Punjab as aforesaid.

Two Judges at least necessary to reverse or modify sentences or decrees of Sessions or Civil Judges.

42. No decree of any Civil Court shall be reversed or modified on appeal, and no sentence of any Criminal Court shall be reversed or modified on appeal or revision, save by the order of not less than two Judges of the Chief Court.

Chief Court may provide for exercise of the Court's jurisdiction by one or more of its Judges.

43. Save as herein otherwise provided, the Chief Court may by its own Rules provide for the exercise, by one or more Judges, of the original and appellate jurisdiction vested in such Court, in such manner as may appear to such Court to be convenient for the due administration of justice.

Chief Court to superintend subordinate Courts, and to frame Rules of practice for itself and such Courts.

44. The Chief Court shall have superintendence over all Courts which may be subject to its appellate jurisdiction, and shall have power to call for returns, to make and issue general rules for regulating the practice and proceedings of the Chief Court and of such subordinate Courts, to give and assign to the Ministerial Officers of the said Chief Court and subordinate Courts respectively such powers and duties as may seem fit, to frame and prescribe forms for every proceeding in the said Courts for which it shall think necessary that a form be provided, and also for keeping all books, entries, and accounts to be kept by the Officers, and to settle Tables of Fees to be allowed to Pleaders, and from time to time to alter any such rule or form or table; and the rules so made, and the forms so framed, and the tables so settled, shall be published in the Official Gazette, and after being so published shall be used and observed in the Chief Court: Provided that such general rules and forms and tables be not inconsistent with the provisions of this Act or any law in force, and shall before they are issued have received the sanction of the Lieutenant-Governor.

Provisions as to proceedings pending in Judicial Commissioner's Court.

45. The Chief Court shall have jurisdiction in all proceedings pending in the Court of the Judicial Commissioner of the Punjab at the time of the constitution of the Chief Court; and all previous proceedings of the Court of the said Commissioner shall be dealt with as if the same had been had in the Chief Court.

Procedure in case of difference of opinion between Judges when Court consists of only two.

46. If the Chief Court shall consist of two Judges only, and if in any case heard by such Judges sitting together there shall be a difference of opinion between them, the following course shall be pursued, that is to say:—

1st.—On Appeal on a question of fact.

(*1st*)—If the case be heard in appeal and the difference of opinion shall be on any question of fact in the finding of the Lower Court, the finding shall be upheld.

2nd.—On Appeal on a question of law.

(*2nd*)—If the difference of opinion shall be on a point of law or of usage having the force of law, the ruling of the Lower Court shall in such case also be upheld, unless one of the

Judges shall be of opinion that the point is one which ought to be referred to the High Court of Judicature at Calcutta, in which case the Judges shall state the point as to which they differ, and forward such statement, with their own opinions respectively, to such High Court. The Chief Court may proceed in the case notwithstanding such reference, and may pass a decree contingent upon the opinion of the High Court on the point referred; but no execution shall be issued in any case in which a reference shall have been made until the receipt of the order of the High Court.

3rd.—In exercise of original jurisdiction on a question of law.

(*3rd*)—If the case be heard by the Judges in the exercise of the original jurisdiction of the Chief Court, and the difference of opinion shall be on a point of law or usage having the force of law, the Judges shall state the point on which they differ, and proceed as last hereinbefore provided. The same rule shall be observed when a difference of opinion may arise between two Judges of the Court upon a point of law reserved under the thirty-fifth Section.

4th.—In exercise of original jurisdiction on a question of fact.

(*4th*)—If the case be heard by the Judges in the exercise of the original jurisdiction of the Chief Court, and the difference of opinion be on a question of fact, the opinion of the Senior Judge shall prevail, and he shall pronounce his decision as the decision of the Court.

Hearing and decision of referred cases.

47. Cases referred under this Act for the opinion of the High Court of Judicature at Calcutta, shall be heard by not less than three Judges of that Court, and shall be determined according to the opinion of the majority of such Judges.

Parties may appear in person, or by Advocate or Vakeel.

48. The parties to such cases may appear, plead and act in the said High Court in person, or by an Advocate or Vakeel of such High Court; and the High Court, when it has heard and considered the case, shall transmit a copy of its opinion under the seal of the Court and the signature of the proper Officer of the Court, to the Judges of the Chief Court.

Transmission of judgment of High Court and proceeding thereupon.

Costs of reference to High Court.

Costs, if any, consequent on the reference of a case for the opinion of the High Court, under the forty-sixth Section, shall be costs in the suit.

Registers, books, accounts, and statements to be kept and furnished by Chief Court.

49. The Chief Court shall keep such registers, books and accounts, and submit to the Lieutenant-Governor such statements of the work done in the Court as may be required by him. The Chief Court shall also comply with such requisitions as may be made by the Governor-General of India in Council or by the Lieutenant-Governor for certified copies of or extracts from the records of the Court.

Copies of records to be furnished.

Chief Court's functions exerciseable by single Judge.

50. Save as is in this Act otherwise expressly declared, any function which is hereby directed to be performed by the Chief Court may be performed by any Judge or Judges thereof appointed in that behalf by any rule made under the forty-fourth Section.

Sections 11 and 12 not to be affected on extension to Punjab of Act XX of 1865.

51. Whenever the Lieutenant Governor of the Punjab shall, under the authority vested in him by Section forty-seven of the Pleaders, Mookhtars and Revenue Agents' Act, 1865, extend the provisions of the said Act to the Territories under his Government, nothing in the said Act shall affect the provisions of Sections ten, eleven and twelve of this Act.

Short title.

52. This Act may be cited as "The Punjab Chief Court Act, 1865."

Commencement of Act.

53. This Act shall come into operation on such day as the Governor-General of India in Council shall fix by a notification published in the Gazette of India.

WHITLEY STOKES,
Offg. Asst. Secy. to the Govt. of India,
Home Department (Legislative).

HOME DEPARTMENT.

NOTIFICATIONS.

No. 3598.

Fort William, 15th April 1865.

Mr. Maynard Brodhurst, of the Civil Service, is permitted to proceed to Europe on furlough, for a period of two years, from the date of embarkation.

No. 3599.

With reference to the leave of absence granted to Lieutenant Colonel H. L. Thuillier, Surveyor General of India, in G. G. O. No. 364, dated the 5th instant, His Excellency the Governor General in Council is pleased to make the following appointments, viz. :—

Lieutenant Colonel J. T. Walker, Superintendent, Great Trigonometrical Survey, to officiate as Surveyor General of India, with the Superintendence of the Topographical and Great Trigonometrical Surveys.

Lieutenant Colonel D. G. Robinson to officiate as Deputy Surveyor General of India, with the Superintendence of the Revenue Survey.

No. 3600.

The 17th April 1865.

Mr. F. R. Hogg, Post Master General of the Punjab, has obtained privilege leave of absence for two months and sixteen days, from the 1st of August next. Of the leave granted to Mr. Hogg on the 16th of February, that Officer availed himself of only fourteen days.

No. 3601.

The Reverend J. Robinson, M. A., Chaplain on the Bengal Ecclesiastical Establishment, is permitted to proceed to Europe on furlough for a period of eighteen months from the date of embarkation.

No. 3602.

The Governor General in Council is pleased to invest the under-mentioned Officers, in the Central Provinces, with the powers of a Magistrate, to be exercised within the precincts of the Jails at Khundwa (Nimar) and Baitool respectively, in respect of the prisoners confined therein :—

Assistant Surgeon G. Y. Hunter, Civil Surgeon, Nimar.

Mr. Apothecary W. Thomas, in Civil Medical charge of Baitool.

No. 3603.

The Governor General in Council is pleased to appoint Assistant Surgeon H. F. McGrath, of the Bombay Medical Establishment, to the Civil Medical charge of Chanda, in the Central Provinces.

No. 3604.

Mirza Ali, Tehsceldar of Jubbulpore, in the Central Provinces, is authorized to hold charge of the Court of Small Causes at Jubbulpore during the absence of Mr. F. Macnaghten, the Judge of that Court, on privilege leave.

No. 3605.

Mr. R. C. A. Hamilton, District Superintendent of Police in Oudh, is allowed twenty days' leave from the 26th of March last, preparatory to availing himself of the leave to Europe for six months granted to him under date the 17th idem.

No. 3606.

Mr. Hugh A. Brown has been appointed Personal Assistant to the Director General of the Post Office of India and Compiler of Post Office Accounts.

No. 3607.

Mr. Charles Galbraith, Officiating Director of Telegraphs, Western Circle, is allowed twelve months' leave under medical certificate, with effect from the 14th of March 1865.

No. 3608.

Mr. J. H. Hussey, 3rd Class Sub-Assistant, attached to No. 7 Topographical Party (Rajpootana Survey), is allowed two months' leave of absence on medical certificate, from the 6th day of March last, in extension of the leave for six months granted to him on the 1st November 1864.

No. 3609.

The 18th April 1865.

Mr. H. E. Perkins, of the Civil Service, is permitted to proceed to Europe on furlough for a period of one year from the date of embarkation.

No. 3610.

The 20th April 1865.

Mr. E. Grey, of the Civil Service, is permitted to proceed to Europe on furlough for a period of three years from the date of embarkation.

Nos. 3611 & 3612.

Messrs. F. M. Lind and H. M. Chase, of the Bengal Civil Service, have reported their departure from India by the Steam Ship "Golconda," which vessel was left by the Pilot at sea on the 11th instant.

No. 3613.

The Governor General in Council is pleased to make the following promotions in the Great Trigonometrical Survey Department, with effect from the 11th March last, viz. :—

Captain A. B. Melville, to be first Assistant, vice Captain T. G. Montgomerie, who has become a Supernumerary in the Department from the above date.

Lieutenant W. M. Campbell, R. E., to be first Assistant, Junior Grade, vice Captain Melville.

No. 3617.

The 21st April 1865.

Mr. H. C. Wake, of the Civil Service, has been permitted to proceed to Europe on furlough for a period of three years from the date of embarkation.

No. 3619.

The Governor General in Council is pleased to grant to Mr. Ambrose Tween, Curator of the Geological Museum, leave of absence for six months on private affairs, under para. 12, Clause I, of the Uncovenanted Service Absentee Rules.

No. 3620.

Lieutenant G. A. Strover, Officiating Deputy Commissioner, 4th Grade, assumed charge of the Office of Magistrate of Akyab in the forenoon of the 4th March 1865, from Major E. J. Spilsbury, Deputy Commissioner, 3rd Grade.

The privilege leave granted by the Chief Commissioner of British Burmah, to Sub-Assistant Surgeon Luckunnarain Bose, in medical charge of the General Dispensary and Seamen's Hospital at Akyab, from 1st November 1864 to the 19th December last, is confirmed.

A. M. MONTEATH,
Under Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

No. 2176.

Fort William, the 17th April 1865.

NOTIFICATIONS.

Mr. H. D. Sandeman, Accountant General, Government of Bengal, to be a Director of the Bank of Bengal, during the absence of the Government of India at Simla, or until further orders.

E. H. LUSHINGTON,
Secy. to the Govt. of India.

No. 2188.

The 20th April 1865.

Baboo D. Teagiah, a Junior Assistant, Financial Department, is allowed four months' leave of absence on medical certificate, in extension of the leave granted to him on 30th September 1864.

No. 2189.

Extract from the Proceedings of the Government of India, in the Financial Department, dated 20th April 1865.

Read again Financial Resolution No 2805, dated 4th October 1864, requesting the opinion of the Local Governments and Administrations on the Report of the Commissioners of Inquiry into Indian Accounts, on the system of Account and Audit in the Civil Department.

Read again the following replies to the requisition, viz.:—

From the Chief Commissioner, Central Provinces, No. 100, dated 19th November 1864

From the Resident at Hyderabad, No. 1635, dated 3rd January 1865.

Read also the following replies to the requisition:—

From the Government of the Straits Settlement, No. 59, dated 21st November 1864.

From the Commissioner for Mysore, No. 1480, dated 12th December 1864.

From the Chief Commissioner, Oude, No. 3360, dated 13th December 1864.

From the Governor General's Agent, Rajpootana, No. 2051, dated 30th December 1864.

From the Chief Commissioner, British Burmah, No. 971, dated 31st December 1864.

From the Government of the North-Western Provinces, No 136, dated 16th February 1865.

From the Government of Bombay, No. 183, dated 28th February 1865.

From the Government of the Punjab, dated 23rd March 1865.

From the Government of Madras, No. 174, dated 27th March 1865.

RESOLUTION.—By these Reports the Government of India has been put in possession of the opinions of the several Local Governments and Administrations, and of all the Officers of Account, except those of Calcutta. The opinions of these latter have been otherwise obtained, and the following orders are in general accordance with their views.

2. The Report of the Commissioners is chiefly occupied with a criticism of defects in the existing system of Audit and Account, and as their remarks on this head were suggested, mainly, by an inspection of the Books in the Offices at Calcutta, merely, some of the criticisms have proved inapplicable, more or less, to one or other of the Provinces or Presidencies which the Commissioners have not visited.

3. The chief defect in the present system is the total untrustworthiness of the monthly accounts, in consequence of their including numerous entries requiring subsequent adjustment, so that the Financial Department possesses no means of keeping itself acquainted with the progress of the current income and expenditure. Another defect is the delay in closing the annual books of account. The remedy for these defects is the main object of the recommendations of the Commissioners.

4. The procedure in framing and sanctioning the annual Budget Estimates, has necessarily been considered along with the accounts.

5. The Budget Estimates as submitted to the Government of India, in the Financial Department, are in great detail; and on the several recommendations for condensing them, the Governor General in Council is pleased to pass the following orders:—

I. Hitherto, the Budget Estimate has shown the figures proposed by the Deputy Auditor and Accountant General, and the Local Government, respectively, but in future, only one set of figures for the new year shall be submitted to the Government of India, in the Financial Department, viz., those which the Local Government may settle in communication with the Deputy Auditor and Accountant General, and with any Heads of Departments whom the Government may consult.. Should the Deputy Auditor and Accountant General differ, he will record his reasons in a paper to be annexed to the Estimate.

II. The grants for Salaries, Establishments, and Contingencies, even when relating to appointments and Establishments for different Districts, will be given in totals for the Presidency or Province, for each Department. District details will be omit-

ted, for both Revenue and Charge, in the Estimates for the Financial Department; but they will be obtained for the use of the Local Government or Administration, under such rules as it may lay down, subject only to a strict conformity to the classification of Receipts and Charges, prescribed by the Government of India.

III. At present, the Budget Estimates show the Estimate for the new year, the Budget and the Regular Estimates for the current or expiring year, and the Actuals of the previous year. These details must be retained in the Estimates for the Local Governments and Administrations; but in those submitted to the Financial Department, the figures for the new year should be contrasted with the Budget Estimate, merely, of the current or expiring year, any considerable difference between them, as also any large increase in the provision for contingencies and temporary Establishments, and in other items, being fully explained in the transmitting letter.

6. The Forms of Estimates and Finance Accounts, proposed by the Commissioners, are approved, with the modifications in the following paras., viz.:—

I. All receipt and payment entries, under Income, Charge, and Debt, which are peculiar to the Home Accounts of the Secretary of State for India, will be omitted from the Indian portion of the accounts, pending the assent of the Secretary of State to the proposition for establishing counterpart books of account in England and India for the revenues and charges of India.

II. In the distribution of charges among Presidencies and Provinces, the expenditure of the Army will be shown under General and Political for the Bengal Army, and under Madras and Bombay for the Armies of those Presidencies.

III. The head "Marine," which is proposed by the Commissioners as an independent head, on the footing of Military, Public Works, and Civil, will continue as a subordinate head in the Civil Estimates, where it will be inserted after "Police."

IV. Allowances and Assignments under Treaties and Engagements should be entered before Miscellaneous.

V. "Allowances, Refunds, and Drawbacks" should be retained under Expenditure.

VI. There will be one entry for Guaranteed Interest, less net Traffic Receipts of Railways, no repayments by Railways being shown on the receipt side.

VII. The loss by Exchange on Railway Transactions will be shown at net, *i. e.*, after deduction of the similar gain by Exchange.

VIII. All transactions on Capital and Revenue Accounts of Railways will be treated in the accounts of the Civil Department in India as Supplies to London.

IX. The present practice of crediting to the Opium Department the cost of its supply of Opium to the Abkaree Department by a debit to Abkaree at the time of supply, and subsequently crediting the whole proceeds of sale of the Opium to Abkaree, will continue.

7. In the General Abstract of the Revenue and Expenditure of India, which forms the first of the proposed series of Estimates, a column for Actuals will be provided, the figures being supplied from the accounts in the Financial Department.

8. The forms of Finance Accounts should also be altered under the following heads :—

APPENDIX.

Revenue and Receipts.

Opium.

Instead of "Proceeds of Sale by Auction"—show—

Opium—Behar.
" Benares.

Expenditure.

Land Revenue.

Settlement charges should be shown as a distinct item.

Opium.

Sub-divide—Behar.
Benares.

Add—

Transit charges to Presidency.
Presidency Expenses.

Administration and Public Departments.

Add—

Military Secretariat.
Public Works Secretariat.

Law and Justice.

Instead of "Law Officers and Courts of Small Causes"—show—

Small Cause Courts.
Law Officers of High Courts.
Justices of the Peace, Coroners, and Sheriffs, at the Presidency Towns.

Marine.

For "Lighthouses and Establishments at outports"—read "Lighthouses."

Public Works.

Pensions should be transferred to the Civil Estimates.

9. In issuing the revised forms of Estimates and Finance Accounts, items of sufficient importance to be shown separately, which may be peculiar to any Presidency or Province, will be added in the forms for that division of territory, in communication with the Local Government.

10. On some of the suggestions for reducing work, the following orders are passed :—

I. The Cash Requirement Estimate should be continued.

II. In the Treasury Accounts rendered to the several Deputy Auditors and Accountants General, Collections of Land Revenue will be credited without distinction of past, current, and future years, and a Return thereof will be furnished by the Deputy Auditor and Accountant General, to the controlling Revenue authority, for verification of the aggregate of realizations shown in the Return of Demands, Realizations, and balances of past, current, and future years, which is furnished to those authorities by the Collectors of Revenue.

III. The cost of any Establishment under Civil Administration which can be distinctly referred to any Branch of Revenue, is to appear under the head of that branch: supervising officers (such as Boards of Revenue and Financial and Divisional Commissioners) who administer several branches of Revenue, should be shown under "Administration and Public Departments." The cost of establishments in the Bombay Presidency which are common to both Customs and Salt, including the charge for the Commissioner of Customs, Salt,

and Opium, should be shown under Customs. In the North-Western Provinces and the Central Provinces, the cost of the Customs Line, which principally collects the Salt Revenue, should be shown under Salt. The existing division of the charge for Collectors, &c., between Land Revenue and Law and Justice, must, however, continue, save that the division will not be made on the individual bills, but all these charges will, in the first instance, be carried in the detail books, to a subordinate head under Land Revenue, and a monthly transfer of a moiety of the total amount will be made to the proper subordinate head under Law and Justice.

11. The fundamental changes of system proposed by the Commissioners are—

1*st*.—The preparation of the Finance Accounts from audited receipts and charges, as recorded in the books.

2*nd*.—The separation of Cash from Store Accounts and of the accounts of the Civil Department, from those of the Military and Public Works Departments.

3*rd*.—The consolidation of these separate Cash Accounts, by a central office, into a general account for India.

4*th*.—The abolition of pre-audit, and the amalgamation of the offices of Deputy Auditor and Accountant General, and Civil Pay Master.

5*th*.—Unclassified Treasury Accounts.

12. Orders adopting the recommendations under the first two heads have been issued already, and the third, also, must be adopted of necessity.

13. The procedure in consolidating the accounts for India will be as follows:—

I. The Receipts and Disbursements of each Presidency and Province, and of the Military and Public Works Departments, will be written up monthly after audit, and posted.

II. An audited monthly account of Revenue and Receipts, and of Expenditure and Disbursements, will be furnished to the Central Office of Account in Calcutta, by the several Deputy Auditors and Accountants General, and by the Military and Public Works Departments, for consolidation in monthly and annual accounts for India.

III. The same officers, and the Military and Public Works Departments, will prepare, from their own Ledgers, annual accounts, as at present; but the Finance Accounts for Parliament will be prepared from the books of the Central Office.

14. The Commissioners have recommended that there should be but one office, viz., the central office of account, in account current with London. Pending the orders of the Secretary of State on this recommendation, the Account Current with London, kept by the Civil, Military, and Public Works Accountants, will be consolidated in one Account Current for the three Departments, by the Local Civil Accountants, for transmission to London.

15. The Commissioners recommend that revenues and charges belonging to one Presidency, received and paid, respectively, in another Presidency, be treated in the accounts as appertaining to the Presidency in which the receipt or payment occurs. This recommendation has been noticed in some of the replies. The subject affects principally the head of expenditure. The only receipts of any magnitude that would be affected by the recommendation, are certain tributes from Native States, realized through Treasuries subordinate to the Accountant, North-Western Provinces, which are now credited to the Government of India.

16. The Government of Madras is of opinion that "the Budget of each Presidency should provide for all disbursements which it has to make. On this principle, the Central Provinces, British Burmah, &c., should provide for the Military expenditure incurred in them, but debited to Madras."

17. Inasmuch, however, as the administration of the Madras Army is under the Government of Madras, and as it is indispensable for a proper check of Military expenditure that each of the three Armies, in the three Presidencies, should be estimated for as a whole, the above opinion, as regards the treatment of military expenditure in the accounts, cannot be adopted.

18. There is no objection, however, to the Military Account Department furnishing to each Local Government, for insertion in its Administration Report, a statement of the proportion of total Military charges which can be allotted, rateably to strength, for the military force in the territories under such Local Government.

19. With regard to Civil charges that are disbursed in other than the Presidency or Province to which they in strictness appertain, it is well observed by the Government of the Punjab, and the Deputy Auditor and Accountant General, Madras, that the largest of such payments, viz., Pensions, and Allowances and Assignments under Treaties and Engagements, are already adjusted as charges of the territory in which the payments occur, and that it will be decidedly advantageous to apply the same rule to all other items, such as salaries, the substantive pay of officers on deputation, &c. The substantive pay of officers on deputation is a fair charge of the appointments in which they officiate, *i. e.*, of the place where the payment is made:—while the amount disbursed as salaries to officers absent from their own province on leave, is too unimportant to be a ground for setting aside a wholesome general rule.

20. The Budget difficulty, viz., insufficient provision in one Presidency, for salaries of another Presidency, is met by the remark of the North-Western Provinces Government, that an estimate for the full charge, at the sanctioned scale for salaries, will cover all payments of civil charges on account of other Governments, especially as such payments by one province will be compensated in a measure by similar payments on its account in another province.

21. On these grounds, the Governor General in Council directs that the adjustment of receipts and charges between Presidencies and Provinces shall cease, with the following exceptions.

22. All local receipts and disbursements in the Berars, on account of other Governments, and all similar transactions elsewhere, on account of the Berars, shall be recorded finally in the accounts of the territory in which they occur, as receipts and charges of the Governments or of the Berars, to which they may appertain.

23. The tour charges of the Governor General, and the payments to the Secretariat and other Establishments that accompany His Excellency from the Presidency, will form another exception to the general rule.

24. According to the system of account recommended by the Commissioners, the Office of Account of each Province will prepare a classified digest or abstract of all the receipts and payments

shown in the monthly account of each Treasury, whereby the materials for statistical returns of district details will be preserved in a form convenient for tabulation when required; but these details will be carried through the abstract or detail books for the regular accounts in a way which will bring out one total for all districts under each head of service.

25. The Government of the Punjab remarks, however, that "it seems quite indispensable to allot its own receipts and expenditure to each district, in the Auditor's accounts."

26. There is a misapprehension here of the system recommended by the Commissioners. The grant for Salaries, Establishments, and Contingencies, will be given in totals for the Province; and as salaries and establishments are passed under fixed rules, district details are not required to keep them within Budget limits; while the grant for fluctuating expenditure, or that for temporary establishments, allowances, and contingencies will be allotted to districts and supervised by the Head of the Department. The Treasury Officer and the Deputy Auditor and Accountant General being informed of this allotment, any insufficiency of the provision in a particular district would be noticed, and would be met from a surplus upon some other district; but to this end, it is not necessary to encumber the accounts with a district detail of the progressive expenditure under each head of service during the year. The post-audit registers will provide all needful information; or, in other exceptional cases, it can be collected when required.

27. The several Local Governments and Administrations, as also some of the Deputy Auditors and Accountants General, agree to the abolition of pre-audit, the assent being qualified in some cases by a stipulation for the issue of simple codes of rules for leave of absence, and deputation and travelling allowances, so that the existing checks against erroneous payments may not be relaxed. The materials for such a code have been collected, and it will be issued in the course of the year.

28. The objections to the abolition of pre-audit are partly founded on the supposition that there will not be an efficient post-audit, such as will ensure a proper sense of responsibility in those who draw bills, and in the Heads of Departments who countersign them. But this is a misapprehension.

29. The Hon'ble the Governor of the North-Western Provinces, while assenting to the amalgamation of the Civil Paymaster's with the Deputy Auditor and Accountant General's Office, yet observes, from "a not inconsiderable experience of what has been, and may therefore again occur," that, "looking to the character and calibre of subordinate Native Clerks, their powers of combination, their talent for intrigue, and the extent of the temptations to which they occasionally may be exposed, His Honor regards, with not unnatural reluctance, the abandonment of that system of double check by means of the independent Offices of Examiner of Claims, and Auditor of Accounts, which seems to His Honor almost an essential in the constitution of our administration in India."

30. It is overlooked that this double check was abandoned some years since in the Public Works Department, where the Controllers of Public Works Accounts both examine claims and adjust payments. Moreover, it has not prevailed in the Madras Presidency, and in the Bombay Presidency "the Deputy Auditor and Accountant General does not, at present, critically re examine vouchers passed by the Civil Pay Master, nor keep a register of Establishments." Furthermore, the post-audit, under the new system, will be promptly made under competent supervision.

31. On these grounds, and having regard to the imperative necessity of obtaining prompt Accounts based upon audited charges, and to the preponderance of opinion and argument in favour of abolishing pre-audit, and amalgamating the Establishments of the Deputy Auditor and Accountant General, and the Civil Pay Master, it has been determined to give effect to those measures as soon as the necessary arrangements can be made.

32. Apprehensions of two opposite kinds have been expressed with regard to the responsibility to be thrown on the Treasury Officer who is to disburse salaries and allowances without pre-audit. In the 213th paragraph of their Report, the Commissioners proposed the issue of a permanent order to the Officer in charge of the Treasury as his guide in discharging regular monthly bills for salaries and establishments. This permanent order would indicate the sanctioned rate and net amount admissible, and, with regard to contingencies, it would show the monthly limit within which they may be allowed. The Government of Madras requests that it may "be remembered that in this Presidency, the Collector is in entire charge of the District Treasury; and the Government strongly object to any measure tending to lessen this responsibility, or to render the Collector's subordinates in any way independent of him." No such measure was intended by the Commissioners in their recommendation.

33. On the other hand, it has been urged in other quarters that the responsibility of the Treasury Officer with regard to over-payments should be clearly defined.

34. Under the system now to be introduced, equally as under the present system, the privilege of drawing pay abstracts or bills for salary, allowances, or contingent expenses, will be restricted to responsible Officers; and the drawer of the bill will be held answerable for any overcharge. The responsibility of the countersigning Officer will be that which attaches to all controlling Officers, and which brings them under a liability to make good any loss arising from their culpable negligence. The Treasury Officer who makes payments without pre-audit will be responsible for checking any palpable errors, and (in case of change of office, or of rate of salary, of gazetted Officers) for passing the new rate with due reference to the orders directing the change. In short, the responsibility for an overcharge will rest primarily with the drawer of the bill, and (failing recovery from him) the overcharge will be recovered from the Treasury Officer or the Countersigning Officer, only in the event of culpable negligence in either of them.

35. In paragraph 373 of their Report, the Commissioners observed that so long as payment is made by the officer in charge of a Treasury on a proper voucher, the amount "should be passed in the Treasury Account, and any irregularity which may appear in the payment having been in excess of the Budget Grant, or otherwise, should be met by calling on the officer who authorized the payment to explain the cause, or make good the excess. In the case of computations, and other matters where the Treasury Officer has the means of ex-

ercising a check, any incorrect voucher, or overpayment, should be struck out of his account, and he should be directed to alter his balance accordingly."

36. The principle which guided the Commissioners was that when a payment is made on account of a completed service, on a proper voucher, the fact of the payment is not altered, because some portion of it may have been overpaid. The payment must be accepted, and must be recorded as a charge against the grant for which it was made. The amount overpaid, when subsequently recovered, would be credited as a repayment to the grant, or, as would generally be the more convenient course, would be deducted from the amount due upon a succeeding bill for a similar service.

37. The Commissioners recommend that the work of Treasury Officers be simplified by requiring from them accounts unclassified as to charge, and classified, by simpler methods than hitherto, as to receipts of revenue, and in some other cases where receipts or payments of one class are very numerous. The recommendation is approved by the Governments and Administrations in the Bengal Presidency. The Government of the Punjab, and the Board of Revenue, North-Western Provinces, testify that the unclassified account will immensely relieve Treasury Officers.

38. The Government of the North-Western Provinces, indeed, gives a qualified approval, hesitating only as to the ability of the Deputy Auditor General's Office to cope with the additional work in a Province where intelligent Clerks are scarce. In this objection, the relief to that functionary from the compendious journal, and the simpler processes of the new system, has been overlooked, while also regard has not been paid to the consideration that the intelligent labor requisite for classification can be more readily collected in one Office, than in above 30 Treasuries. Erroneous classification by the latter must add to the labor of the Central Office.

39. Accordingly, the unclassified Treasury Account, according to the forms which have been introduced into the Lower Provinces, will be adopted in the remaining Provinces of the Bengal Presidency.

40. In the Presidencies of Madras and Bombay, the classified Treasury Account will be retained for the present, in deference to the very strong representations of the Deputy Auditor and Accountant General, Bombay, and the Government of Madras; but as they have overlooked that through an unclassified account, the post-audit, and the recording of the greater portion of the charges, will be expedited by a month, the Governor General in Council trusts that after experience of the unclassified Treasury account in the Bengal Presidency, it may yet be extended throughout India.

41. Care will be taken to provide each Deputy Auditor and Accountant General with an efficient establishment for an intelligent and prompt audit, record, and compilation of accounts, but this will be readily effected within the present cost of the establishments.

42. The Journals of the Deputy Auditor and Accountant General will be considerably reduced by being disencumbered of District details and of the elaborate personal account of each gazetted Officer hitherto recorded in the books. That account will be kept, under the new system, in the post-audit Registers. The trouble of examining the Treasury Officer's classification of charges, to the minutest detail, and of correcting errors in his classification, will also cease.

43. Having regard to the large reduction of work under these heads, which will more than compensate for the new work of classifying charges in the Deputy Auditor General's Office, the Governor General in Council feels assured that the unclassified Treasury Account may be introduced with safety into the Bengal Presidency.

44. Orders for the simplification of the Deposit Account have been separately issued, but the Governor General in Council notes the concurrence of the Government of the Punjab in the recommendation of the Commissioners, that all receipts on account of Land Revenue, should be credited when paid into the Treasury, except those in dispute, or belonging, partly, to co-sharers with Government. These must still be placed in deposit.

45. His Excellency in Council also approves of the suggestion of the Chief Commissioner in Oude, that fines imposed in appealable cases be credited at once to revenue, subject to refund on the mere certificate of the Appellate Court.

46. Orders regarding the change in the official year of account are deferred.

47. The new system of Audit and Account, in the Civil Department, recommended by the Commissioners, will, with the modifications directed in this Resolution, be introduced with the Accounts for 1865-66, inclusive.

Ordered, that a copy of this Resolution be sent to the Foreign, Home, Military, and Public Works Departments, to the several Local Governments and Administrations, to Mr. M. H. Foster, and to the Officers of Account and Audit in the Civil Department.

Ordered, also, that a copy of the Resolution be forwarded to the Auditor General of India, with a view to the issue by him of such subsidiary instructions to the several Officers of Account as may be necessary for carrying out the above orders.

Ordered, further, that this Resolution be published in the *Gazette of India*.

No. 2198.

Mr. G. Hough received charge of the office of Deputy Auditor and Accountant General and Civil Pay Master, British Burmah, from Mr. C. R. Kiernander, on the forenoon of the 8th April 1865.

No. 2233.

The following Statement of the Silver received and coined in the Mints of Calcutta, Madras, and Bombay, in February 1865, is published for general information :—

	Calcutta.			Madras.			Bombay.		
	Bullion or Coin received during the month, valued in Rupees.		Coined and examined during the month, valued in Rupees.	Bullion or Coin received during the month, valued in Rupees.		Coined and examined during the month, valued in Rupees.	Bullion or Coin received during the month, valued in Rupees.		Coined and examined during the month, valued in Rupees.
	Govt.	Merchts.		Govt.	Merchts.		Govt.	Merchts.	
In February 1865	1,046	31,00,308	21,71,939	18	59,386	5,18,000	...	7,53,027	32,99,040

No. 2268.

The 21st April 1865.

The Governor General in Council, under the provisions of the 5th Section of Act XIX of 1861, is pleased to constitute the Province of Sinde a Circle of Issue of Government Paper Currency in the Bombay Presidency, and to appoint Kurrachee to be the place of issue of Notes for the said Circle.

The Notes of the Sinde Circle will be a legal tender, on and after the 1st June 1865, for all payments within the Circle, except at the Office of Issue, and will be received in payment of revenue and of all other claims of the Government within the Circle.

The Deputy Commissioner of Issue will issue Notes—

1st.—In exchange for the amount thereof in current silver coin of the Government of India, or

2nd.—In exchange for other Notes of the Government of India issued within the same Circle.

Notes issued at Kurrachee will be payable on demand, in current silver coin of the Government of India, at the Office of the Deputy Commissioner of Issue at Kurrachee and at the Office of the Commissioner of the Department of Issue at Bombay.

The Collector of Kurrachee for the time being to be Deputy Commissioner of Paper Currency of the Sinde Circle.

Mr. W. Wells to be Assistant to the Deputy Commissioner of Paper Currency, Kurrachee.

THOMAS PEACHEY,
Principal Asst. Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 15th April 1865.

No. 398 *of* 1865.—The admission of Lieutenant Nathaniel James Jones, of the late 15th Native Infantry, Quarter Master, 2nd Punjab Infantry, to the Staff Corps, announced in Government General Order No. 128 of the 3rd February 1865, is cancelled, the application for his admission to the Corps having been forwarded under a misapprehension.

The 17th April 1865.

No. 399 *of* 1865.—The under-mentioned Officer has reported his return from England :—

	Date of arrival at Fort William.
Lieutenant W. Battye, of the late 6th European Regiment, Wing Officer, Corps of Guides.	10th April 1865.

No. 400 *of* 1865.—The Governor General in Council is pleased to notify that the appointments and arrangements for the conduct of business in the Military Department, as laid down in Government General Order No. 338 of the 15th April 1864, will again have effect during the absence this season of His Excellency and the Council from the Presidency.

No. 401 *of* 1865.—The under-mentioned Out-pensioners of the Royal Hospital at Chelsea having been permitted to reside and draw their stipends in India, payment of pensions are to be made and charged accordingly :—

	Rate of pension per diem.
Sergeant Major Edward Taylor, late of the 22nd Brigade, Royal Artillery.	2*s.* 6*d.* (two shillings and six pence), from the date on which he ceases to receive Regimental Pay.
Gunner Daniel Pierce, late of the B. Battery, 5th Royal Horse Brigade.	1*s.* (one shilling), from the date on which he ceases to receive Regimental Pay.

No. 402 *of* 1865.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate :—

Lieutenant Colonel Edward James Simpson, of the Bengal Infantry, Officiating Deputy Commissary General, Central Circle, Lucknow.	For 20 months, under the new Regulations.

No. 403 *of* 1865.—With reference to the Government General Orders noted in the margin, His Excellency the Governor General in Council is pleased to notify that the existing rule, under which an Officer cannot be absent on privilege leave on the 1st January, is abolished, and that all that will be required is that no Officer be allowed privilege leave for more than sixty days at one time, or more than sixty days altogether between the 1st January and the 31st December of each year.

General Order by the Governor General, dated 20th March 1857.
Government General Order No. 466, dated 27th March 1857.

No. 404 *of* 1865.—His Excellency the Governor General is pleased to make the following appointment on his Personal Staff:—

Captain (Brevet Lieutenant Colonel) S. J. Blane, 52nd Light Infantry, Aide-de-Camp to the Viceroy, to be Military Secretary and Aide-de-Camp, vice Captain E. C. Impey, of the Staff Corps, with effect from the date on which he may relieve Captain Impey.

No. 405 *of* 1865.—His Excellency the Governor General in Council is pleased to notify for general information, under instructions from the Right Hon'ble the Secretary of State for India, that in all cases where the Prize Money of a deceased Officer or Soldier has been paid over to the Commissioners of Chelsea Hospital, claimants for the same should prefer their claims direct to that Establishment, transmitting, at the same time, such documents as may evidence the correctness of their claims.

No. 406 *of* 1865.—His Excellency the Governor General in Council is pleased to notify, under instructions from the Right Hon'ble the Secretary of State for India, that when Paymasters of British Regiments serving in India return to England on urgent private affairs or otherwise, they will be entitled to pay during six months only of their actual leave in that country, irrespective of the periods employed in passage, provided the Officers travel Overland; and further that in the case of Paymasters receiving leave of absence from India on the recommendation of a Medical Board, their pay will cease when they shall have been in England for a period of twelve months.

No. 407 *of* 1865.—The under-mentioned Officers are permitted to proceed to Europe on leave of absence on sick certificate:—

Lieutenant Colonel (Brevet Colonel) Frederick William Burroughs, of the Bengal Infantry.	For 20 months, under the new Regulations.
Lieutenant Charles Adolphus DeKantzow, of the Bengal Staff Corps, Assistant Commissioner, Punjab.	For 20 months, under the new Regulations.

No. 408 *of* 1865.—With reference to Government General Order No. 318 of 27th ultimo, the following Table of the monthly rates of Pay in India of Regimental Sergeant Majors of Infantry is published for general information:—

	28 days.	29 days.	30 days.	31 days.
	46 3 5	47 8 11	48 14 4	50 3 10

No. 409 *of* 1865.—His Excellency the Governor General in Council is pleased to make the following promotion in the Medical Department:—

Deputy Inspector General of Hospitals A. H. Cheke, with temporary rank, to be Deputy Inspector General of Hospitals, vice Deputy Inspector General of Hospitals R. B. Kinsey, deceased.

No. 410 *of* 1865.—The services of the undermentioned Officers are placed at the disposal of the Foreign Department:—

Lieutenant C. H. T. Marshall, of the 37th Regiment Native Infantry.

Lieutenant F. G. Hearn, Adjutant, 17th Regiment Native Infantry.

No. 411 *of* 1865.—The under-mentioned Soldiers of Her Majesty's Service are permitted to reside and draw their pay in India as out-pensioners of Chelsea Hospital, pending a reference to the Home Authorities as to the amount of their pensions, in accordance with the Royal Warrant of the 23rd July 1864:—

Corporal and Lance Sergeant Daniel Rannaghan, of Her Majesty's 107th Foot.

Gunner James Bartlett, of No. 4 Battery, 24th Brigade, Royal Artillery.

No. 412 *of* 1865.—The services of the undermentioned Officers are placed at the disposal of the Public Works Department:—

Lieutenant W. J. Engledue, of the Royal Engineers.

Lieutenant J. H. Smith, of the Royal Engineers.

No. 413 *of* 1865.—The following promotions are made in the Warrant Grades from the dates specified, to fill vacancies:—

PUBLIC WORKS DEPARTMENT.

To be Deputy Commissary.

	From what date.
Assistant Commissary Francis Rose	1st April 1865.

To be Assistant Commissaries.

Deputy Assistant Commissary Alexander O'Berne ...	15th March 1864.
Deputy Assistant Commissary Edward Gillis	1st April 1865.

To be Deputy Assistant Commissaries.

Conductor J. McArthur ..	15th March 1864.
" David Oliver ...	2nd March 1865.
" Thomas Marten ...	1st April 1865.

To be Conductors.

Sub-Conductor Edwin Sparling 2nd March 1865.
" H. E. Mitchell 1st April 1865.

No. 414 *of* 1865.—The following promotions are made with effect from the dates specified, to fill vacancies :—

PUBLIC WORKS DEPARTMENT.

To be Sub-Conductors.

	From what date.
Sergeant S. Foley ...	2nd March 1865.
" J. Eustace ...	1st April 1865.

No. 415 *of* 1865.—The Right Hon'ble the Secretary of State for India has been pleased to grant a pension of one shilling a day, payable in England, to Sergeant Patrick Fitzpatrick, of Her Majesty's Bengal Artillery, who has been pronounced unfit for further service.

No. 416 *of* 1865.—The Right Hon'ble the Governor General in Council is pleased to appoint Captain J. I. Robinson, of the 5th European Light Cavalry, Doing-duty Officer, Stud Department, to the charge of the Ordnance Cattle Farm, Hissar, vice Mr. J. Taylor, deceased.

No. 417 *of* 1865.—The under-mentioned Warrant Officer has reported his return from England :—

	Date of arrival at Fort William.
Conductor J. Woodroffe, of the Army Commissariat Department ..	12th April 1865.

No. 418 *of* 1865.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate :—

Assistant Surgeon Theodore Duka, M. D., of the Medical Department	For twenty months, under the new Regulations.

No. 419 *of* 1865.—Lieutenant Colonel A. C. Plowden, of the Bengal Staff Corps, who was appointed in G. G. O. No. 914 of 1864 a first class Assistant in the Stud Department, subject to passing the tests laid down in G. G. O. No.531 of 1864, having passed those tests, is confirmed in that appointment.

No. 420 *of* 1865.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate :—

Lieutenant Colonel (Brevet Colonel) John Liptrap, of the Bengal Infantry .	For twenty months, under the old Regulations.

No. 421 *of* 1865.—The under-mentioned Officer is permitted to proceed to Europe on urgent private affairs :—

Lieutenant Malcolm George Clerk, of the late 4th European Regiment, Assistant Engineer, Department Public Works, Punjab .. .	For six months, without pay.

No. 422 *of* 1865.—Under the authority of the Right Hon'ble the Secretary of State for India, His Excellency the Governor General in Council is pleased to direct that in future free rations shall be allowed to the families of trained School Masters of all classes, full rations to the wives and half rations to the children, instead of subsistence allowance authorized in G. G. O. No. 367, dated 26th April 1861.

No. 423 *of* 1865.—His Excellency the Governor General in Council is pleased to make the following appointments :—

PUNJAB IRREGULAR FORCE.

1st Infantry.

Lieutenant J. M. Tulloch, of the General List, Infantry, doing duty with the 41st Native Infantry, to officiate as Doing-duty Officer during the absence of Lieutenant T. T. Oliphant, or until further orders.

6th Infantry.

Lieutenant J. E. P. Mosley, of the General List, Infantry, attached to the 25th Regiment Punjab Native Infantry, to be Doing-duty Officer.

No. 424 *of* 1865.—The under-mentioned students of the Military Class, attached to the Medical College, having been reported qualified to serve as Native Doctors, are admitted into the service accordingly from the dates specified opposite to their respective names, and placed at the disposal of the Officiating Principal Inspector General, Medical Department :—

Azeezur Rohman .	10th March 1865.
Heelal Oodeen	Ditto.
Amanauth Allee .	13th March 1865.

No. 425 *of* 1865.—The following promotions are made from the dates specified :—

ORDNANCE COMMISSARIAT DEPARTMENT.

To be Sub-Conductors.

Officiating Sub-Conductor Edmond S. Gorman. Officiating Sub-Conductor Andrew Sinclair.	23rd August 1864.

No. 426 *of* 1865.—The following promotions are made in the under-mentioned Corps of the Native Army :—

Corps.	Rank and Names.	To what rank promoted.	From what date.	In whose room.
4th Bengal Cavy.	Naib Ressaldar Jyegopal Singh ...	Ressaidar...	1st May 1864	Ruhmutoola Khan, invalided.
Ditto	Kote Duffadar Gholam Jelane Khan ...	Jemadar ...	Ditto	Nussuroodeen Khan, ditto.
Ditto	Ditto Sahib Ali Khan ...	Ditto	Ditto	Sallee Mahomed Khan, do
Ditto	Ditto Abdoosumud Khan ...	Ditto	Ditto	To complete the establishment.
9th Bengal Cavy.	Jemadar and late Naib Ressaldar Kapoor Singh ..	Ressaidar	10th Nov. 1862	Ditto ditto.

H. W. NORMAN, Colonel.

Quarterly Report for the Quarter ending 31st March 1865.

Report on the Examination of the Junior Unpassed Civil Servants in Persian, Urdu, Hindi, and Bengali, held in January 1865.

PERSIAN.

Nos.	Names.	Division of Presidency.	Date of Arrival.	Date of Initiatory Examination.	REMARKS.
			Sandheads.		
1	Champneys ...	N. W. P.	12th Dec. 1863	14th Dec. 1863	Passed in Hindi on 1st June 1864.
2	Crawford ...	Ditto ...	8th Jan. 1864	18th Jan. 1864	Passed in Hindi on 1st July 1864.
3	Lister ...	Ditto ...	11th Dec. 1862	17th Dec. 1862	Leave on Medical Certificate to Europe. Passed in Hindi on 1st April 1863.

URDU.

			Calcutta.		
1	Smeaton ...	B. ...	19th Oct. 1864	1st Nov. 1864	Not passed in any language.
2	Hallett ...	B. ...	Ditto ...	Ditto ...	Passed on the 3rd instant. Qualified for the Public Service, having passed in Bengali on 1st December 1864. Gained a donation of Rs. 800 for passing in two languages in two months. Studying for honors in the Bengali language.
3	Huddlestone ...	B. ...	16th Nov. 1864	17th Nov. 1864	Not passed in any language.
4	Neill ...	B. ...	25th Nov. 1864	28th Nov. 1864	Ditto ditto.
5	Gardiner ...	N. W. P.	Ditto ...	Ditto ...	Ditto ditto.
6	Thorburn ...	B. ...	Ditto ...	Ditto ...	Ditto ditto.
7	Hodgkinson ...	B. ...	Ditto ...	Ditto ...	Ditto ditto.
8	Venning ...	N. W. P.	26th Nov. 1864	1st Dec. 1864	Ditto ditto.
9	Rampini ...	Ditto ...	29th Nov. 1864	Ditto ...	Passed on the 3rd instant. Has to pass in a second language.
10	Fryer ...	Ditto ...	Ditto ...	Ditto ...	Not passed in any language.
11	Nicholls ...	Ditto ...	Ditto ...	Ditto ...	Ditto ditto.
12	Rivaz ...	Ditto ...	Ditto ...	Ditto ...	Passed on the 3rd instant. Has to pass in a second language.
13	Pears ...	B. ...	30th Nov. 1864	Ditto ...	Not passed in any language.
14	Wilson ...	B. ...	24th Dec. 1863	2nd Jan. 1864	Studying at Patna. Passed on the 30th December last. Qualified for the Public Service, having passed in Bengali on 1st July 1864.

Report on the Examination of the Junior Unpassed Civil Servants, &c.,—continued.

HINDI.

Nos.	Names.	Division of Presidency.	Date of Arrival.	Date of Initiatory Examination.	REMARKS.
1	Ellison ...	N. W. P.	Calcutta. 19th Oct. 1864	1st Nov. 1864	Not passed in any language.
2	Beachcroft ...	Ditto ...	14th Nov. 1864	17th Nov. 1864	Passed on the 3rd instant. Has to pass in a second language.
3	Stogdon ...	Ditto ...	12th Nov. 1864	Ditto ...	Not passed in any language.
4	MacAuliffe ...	Ditto ...	Sandheads. 9th Feb. 1864	22nd Feb. 1864	Passed on the 3rd instant. Qualified for the Public Service, having passed in Urdu on 1st July 1864.
5	Trafford ...	Ditto ...	Calcutta. 29th Nov. 1864	1st Dec. 1864	Not passed in any language.
6	Williams ...	Ditto ...	Sandheads. 12th Dec. 1863	14th Dec. 1863	Passed for a Certificate of High Proficiency in Hindi on the 3rd instant. Qualified for the Public Service, having passed in Hindi on 8th February and Persian on 1st July 1864.

BENGALI.

1	Magrath ...	B. ..	Sandheads. 14th Nov. 1863	17th Nov. 1863	Passed in Urdu on 2nd May 1864.
2	Mosley ...	B. ...	12th Dec. 1863	14th Dec. 1863	Passed in Urdu on 1st June 1864.
3	Dalton ..	B. ...	8th Jan. 1864	18th Jan. 1864	Absent on Medical Certificate. Passed in Urdu on 1st September 1864.
4	Bovell ...	B. ...	12th Mar. 1864	21st Mar. 1864	Passed in Urdu on 1st July 1864.
5	Gordon ...	B. ...	Calcutta. 14th Nov. 1864	17th Nov. 1864	Not passed in any language.
6	Manson ...	B. ...	Ditto ...	Ditto ...	Ditto ditto.
7	Meres ...	B. ...	29th Nov. 1864	1st Dec. 1864	Ditto ditto.
8	Thompson ...	B. ...	Sandheads. 17th Jan. 1864	8th Feb. 1864	Passed in Bengali on 1st September 1864. Qualified for the Public Service, having passed in Urdu on 1st June 1864. Studying for honors in the Bengali language.
9	Campbell ...	B. ..	17th Jan. 1864	Ditto ...	Passed in Bengali on 1st September 1864. Qualified for the Public Service, having passed in Urdu on 1st July 1864. Studying for honors in the Bengali language.
10	Kinsey ...	B. ...	10th Oct. 1863	15th Oct. 1863	Studying at Dinapore. Passed in Urdu on 1st March 1864.

Report on the Examination of the Junior Unpassed Civil Servants in Persian, Urdu, Hindi, and Bengali, held in February 1865.

PERSIAN.

Nos.	Names.	Division of Presidency.	Date of Arrival.	Date of Initiatory Examination.	REMARKS.
			Sandheads.		
1	Champneys ...	N. W. P.	12th Dec. 1863	14th Dec. 1863	Passed in Hindi on 1st June 1864.
2	Crawford ...	Ditto ...	8th Jan. 1864	18th Jan. 1864	Passed on the 1st instant. Qualified for the Public Service, having passed in Hindi on 1st July 1864.
3	Lister ...	Ditto ...	11th Dec. 1862	17th Dec. 1862	Leave on Medical Certificate to Europe. Passed in Hindi on 1st April 1863.

URDU.

			Calcutta.		
1	Smeaton ...	B. ...	19th Oct. 1864	1st Nov. 1864	Passed on the 1st instant. Has to pass in a second language.
2	Huddlestone ...	N. W. P.	16th Nov. 1864	17th Nov. 1864	Not passed in any language.
3	Neill ...	Ditto ...	25th Nov. 1864	28th Nov. 1864	Passed on the 1st instant. Has to pass in a second language.
4	Gardiner ...	Ditto ...	Ditto ...	Ditto ...	Ditto ditto.
5	Thorburn ...	Ditto ...	Ditto ...	Ditto ...	Ditto ditto.
6	Hodgkinson ...	B. ...	Ditto ...	Ditto ...	Not passed in any language.
7	Venning ...	N. W. P.	26th Nov. 1864	1st Dec. 1864	Ditto ditto.
8	Fryer ...	Ditto ...	29th Nov. 1864	Ditto ...	Ditto ditto.
9	Nicholls ...	Ditto ...	Ditto ...	Ditto ...	Ditto ditto.
10	Pears ...	B. ...	30th Nov. 1864	Ditto ...	Ditto ditto.
11	Beachcroft ...	N. W. P.	14th Nov. 1864	17th Nov. 1864	Passed in Hindi on 3rd January 1865.
12	Bullock ...	Ditto ...	12th Jan. 1865	16th Jan. 1865	Not passed in any language.

HINDI.

			Calcutta.		
1	Ellison ...	N. W. P.	19th Oct. 1864	1st Nov. 1864	Not passed in any language.
2	Stogdon ...	Ditto ...	12th Nov. 1864	17th Nov. 1864	Ditto ditto.
3	Trafford ...	Ditto ...	29th Nov. 1864	1st Dec. 1864	Ditto ditto.
4	Rivaz ...	Ditto ...	Ditto ...	Ditto ...	Passed on the 1st instant. Qualified for the Public Service, having passed in Urdu on 3rd January 1865. Gained a donation of Rs. 800 for passing in two languages in two months.

Report on the Examination of the Junior Unpassed Civil Servants, &c.,—continued.

BENGALI.

Nos.	Names.	Division of Presidency.	Date of Arrival.	Date of Initiatory Examination.	REMARKS.
1	Magrath ...	B. ...	Sandheads. 14th Nov. 1863	17th Nov. 1863	Passed on the 1st instant. Qualified for the Public Service, having passed in Urdu on 2nd May 1864.
2	Mosley ...	B. ...	12th Dec. 1863	14th Dec. 1863	Passed on the 1st instant. Qualified for the Public Service, having passed in Urdu on 1st June 1864.
3	Dalton ...	B. ...	8th Jan. 1864	18th Jan. 1864	Passed in Urdu on 1st September 1864.
4	Bovell ...	B. ...	12th Mar. 1864	21st Mar. 1864	Passed in Urdu on 1st July 1864.
5	Gordon ...	B. ...	Calcutta. 14th Nov. 1864	17th Nov. 1864	Passed on the 1st instant. Has to pass in a second language.
6	Manson ...	B. ...	Ditto ...	Ditto ...	Ditto ditto.
7	Meres ...	B. ...	29th Nov. 1864	1st Dec. 1864	Not passed in any language.
8	Rampini ...	B. ...	Ditto ...	Ditto ...	Passed in Urdu on 3rd January 1865.
9	Thompson ...	B. ...	Sandheads. 17th Jan. 1864	8th Feb. 1864	Passed in Bengali on 1st September 1864. Qualified for the Public Service, having passed in Urdu on 1st June 1864. Studying for honors in the Bengali language.
10	Campbell ...	B. ...	Ditto ...	Ditto ...	Passed for a Certificate of High Proficiency in Bengali on the 1st instant. Qualified for the Public Service, having passed in Urdu on 1st July and Bengali on 1st September 1864.
11	Hallett ..	B. ...	Calcutta. 19th Oct. 1864	24th Oct. 1864	Passed in Urdu on 3rd January last. Qualified for the Public Service, having passed in Bengali on 1st December last. Gained a donation of Rs. 800 for passing in two languages in two months. Studying for honors in the Bengali language.
12	Kinsey ..	B. ...	Sandheads. 10th Oct. 1863	15th Oct. 1863	Studying at Dinapore. Passed on the 1st instant. Qualified for the Public Service, having passed in Urdu on 1st March 1864.

Report on the Examination of the Junior Unpassed Civil Servants in Persian, Urdu, Hindi, and Bengali, held in March 1865.

PERSIAN.

Nos.	Names.	Division of Presidency.	Date of Arrival.	Date of Initiatory Examination.	REMARKS.
			Sandheads.		
1	Champneys ...	N. W. P.	12th Dec. 1863.	14th Dec. 1863	Passed on the 1st instant. Qualified for the Public Service, having passed in Hindi on 1st June 1864.
2	Lister ..	Ditto ...	11th Dec. 1862.	17th Dec. 1862	Leave on Medical Certificate to Europe. Passed in Hindi on 1st April 1863.

URDU.

			Calcutta.		
1	Beachcroft ...	N. W. P.	12th Nov. 1864	17th Nov. 1864	Passed in Hindi on 3rd January 1865.
2	Gordon ...	B. ...	Ditto ...	Ditto ...	Passed in Bengali on 1st February 1865.
3	Manson ...	B. ...	Ditto ...	Ditto ...	Ditto ditto.
4	Huddlestone ...	N. W. P.	16th Nov. 1864	Ditto ...	Not passed in any language.
5	Hodgkinson ...	B. ...	25th Nov. 1864	28th Nov. 1864	Ditto ditto.
6	Venning ...	N. W. P.	26th Nov. 1864	1st Dec. 1864	Ditto ditto.
7	Fryer ...	Ditto ...	29th Nov. 1864	Ditto ...	Passed on the 1st instant. Has to pass in a second language.
8	Nicholls ...	Ditto ...	Ditto ...	Ditto ...	Not passed in any language.
9	Pears ...	B. ...	30th Nov. 1864	Ditto ...	Ditto ditto.
10	Bullock ...	N. W. P.	12th Jan. 1865	16th Jan. 1865	Ditto ditto.

HINDI.

			Calcutta.		
1	Ellison ..	N. W. P.	19th Oct. 1864	1st Nov. 1864	Passed on the 1st instant. Has to pass in a second language.
2	Stogdon ...	Ditto ...	12th Nov. 1864	17th Nov. 1864	Ditto ditto.
3	Neill ..	Ditto ...	25th Nov. 1864	28th Nov. 1864	Passed on the 1st instant. Qualified for the Public Service, having passed in Urdu on 1st February last. Gained a donation of Rs. 800 for passing in two languages in three months. Studying for honors in the Hindi language.
4	Gardiner ...	Ditto ...	Ditto ...	Ditto ...	Passed in Urdu on 1st February 1865.
5	Thorburn ...	Ditto ...	Ditto ...	Ditto ...	Ditto ditto.
6	Trafford ...	Ditto ...	29th Nov. 1864	1st Dec. 1864	Passed on the 1st instant. Has to pass in a second language.

Report on the Examination of the Junior Unpassed Civil Servants, &c.,—continued.

BENGALI.

Nos.	Names.	Division of Presidency.	Date of Arrival.	Date of Initiatory Examination.	Remarks.
1	Dalton ...	B. ...	Sandheads. 8th Jan. 1864	18th Jan. 1864	Passed in Urdu on 1st September 1864.
2	Bovell ...	B. ...	12th Mar. 1864	21st Mar. 1864	Passed in Urdu on 1st July 1864.
3	Smeaton ...	B. ...	Calcutta. 19th Oct. 1864	1st Nov. 1864	Passed on the 1st instant. Qualified for the Public Service, having passed in Urdu on 1st February last. Gained a donation of Rs. 800 for passing in two languages in four months. Studying for honors in the Bengali language.
4	Rampini ...	B. ...	29th Nov. 1864	1st Dec. 1864	Passed on the 1st instant. Qualified for the Public Service, having passed in Urdu on 3rd January last. Gained a donation of Rs. 800 for passing in two languages in three months. Studying for honors in the Bengali language.
5	Meres ...	B. ...	Ditto ...	Ditto ...	Passed on the 1st instant. Has to pass in a second language.
6	Hallett ...	B. ...	19th Oct. 1864	24th Oct. 1864	Passed in Urdu on 3rd January last. Qualified for the Public Service, having passed in Bengali on 1st December last. Gained a donation of Rs. 800 for passing in two languages in two months. Studying for honors in the Bengali language.

By order of the Board of Examiners,

W. N. LEES,
Secy. to the Board of Examiners.

FORT WILLIAM,
The 10th April 1865.

No. 3478.

By order of His Excellency the Governor General in Council,

A. M. MONTEATH,
Under Secy. to the Govt. of India.

HOME DEPARTMENT,
The——April 1865.

ADVERTISEMENTS.

THE GAZETTE OF INDIA.

During the absence from Calcutta of the Members of the Government of India, or until further orders, the *Gazette of India* will be published at Simla. All communications, therefore, regarding the *Gazette* should be addressed to that Station.

NOTICE.

Required for the Akyab Treasury Department a Head Clerk, salary, Rs. 200 per mensem. None need apply who have not good testimonials, both of their ability to fulfil the duties of the Office and general good character.

AKYAB,
DEPY. COMMR.'S OFFICE; *The 25th March* 1865. } E. J. SPILSBURY. *Depy. Commr.*

FOR SALE.

The Government Iron Works at Burwai, on the Nerbudda in Central India, are offered for sale to the highest bid, above Rs. 50,000 or £5,000, received at the India Office in London by the 31st July 1865, or at the Public Works Secretary's Office in Calcutta by 31st August 1865. The Government of India, however, reserves to itself the right to accept before the dates mentioned any offer that may be deemed to deserve such priority.

After acceptance of an offer to purchase the works, possession will be given on payment of the upset price above specified; the balance of the price offered becoming payable within one year of the date on which possession was actually received. The Government will, of course, retain a lien on the property until the final payment is made.

The history of the Government Iron Works at Burwai is as follows:—

In 1854 Major Keatinge, the Political Officer in charge of the district of Nimar, commenced these works partly to employ his prisoners and partly to draw population to the locality and encourage trade. The prisoners were afterwards withdrawn and the manufactures continued in the Native methods with hired labour.

The work was so successful in its way, and the Native workmen were found so apt to learn, that Major Keatinge, when on a visit to England in 1860, obtained permission to extend the experiment in order to prove whether it might not be possible to work the iron in the European method by the agency of Native workmen under the direction of a European Superintendent skilled in the management of Iron Works.

The services of a Swedish gentleman were procured, and the necessary machinery was brought out from England and set up on the spot and the requisite buildings were erected. The whole was got into working order in January 1863. But it was found that the services of skilled workmen were necessary, and they could not be procured in India. It was then proposed to continue the experiment by procuring workmen from Europe, and this proceeding was strongly urged by several of the Officers of the Government connected with the administration of the territory in which Burwai is situated.

It appeared, however, to the Governor General in Council that this would be to carry the experiment further than it was expedient for the Government to do; and that it was more proper at this stage of the experiment for the Government to retire and invite the action of private enterprize.

The entire outlay on the works up to the 30th April 1864 has been as follow:—

	Rs.	A.	P.
Buildings	70,746	3	11
Machinery	66,991	2	9
Materials and tools ...	63,008	5	11
Supervising Establishment and Contingent charges ...	49,232	5	4
Total ...	2,49,978	1	11

or as nearly as possible ... £25,000

The following is a list of the buildings with the cost of each:—

	Rs.	A.	P.
Superintendent's residence ...	2,310	5	6
Engineer's residence	2,489	12	3
Office and Store rooms	1,624	15	7
Calcining and Lime Kiln	433	4	11
Casting House	1,207	1	1
Renewing and repairing old well ...	1,287	4	4
Sinking and constructing a new well	1,688	14	8
3 Water Tanks	254	9	3
Blast Furnace	26,412	13	5
Charcoal House No. 1	1,707	15	1
Ditto ,, 2	3,672	8	2
Ditto ,, 3	3,626	2	9
Rolling Mill House	2,578	1	11
Powder Magazine	77	12	8
Charring Ovens	5,011	1	10
Roads and Bridges	181	10	3
Sheds for Prisoners	346	4	4
Aqueduct for bringing continuous stream of water to works ...	3,760	5	7
Building for Forges and Steam Hammer	4,249	14	0
Workshop for Smiths and Carpenters	2,686	3	8
Machine Shops	5,007	4	2
Tramway	131	14	11
First cost of Block—Total Rupees	70,746	3	11

or on the whole nearly £7,067

	Rs.	A.	P.
The Machinery as invoiced from England came to ...	48,765	10	0
The carriage from Bombay to Burwai was ..	9,564	3	9
Cost of erecting ...	8,661	5	0
Total Rupees	66,991	2	9

or on the whole nearly ... £6,700

The following is a list of the Machines:—

1 14 H. P. Steam Blowing Engine for Blast Furnace.
2 ditto ditto for Forges.
1 Steam Engine for Rolling Mill.
1 Donkey Pumping Engine.
1 Steam Hammer.
1 Steam Pumping Engine.
12 Boilers for above Engines.
1 One Ton Crane.
1 Screw cutting and turning machine.
1 Planing ditto.
1 Drilling ditto.
2 Punching and shearing ditto.
1 Nasmyth's Blowing Fan.
2 Weighing Machines.

Of the sum of Rs. 63,008-5-11 set down for materials and tools, the principal portion is fuel in the shape of charcoal and fire-wood. Such part

of this as is required by the Government Engineers in the neighbourhood will be used, and probably some will also be sold independently of the sale of the works. But such portion as remains will be made over to the purchaser of the Iron Works at the time of sale.

As the Government has absolutely resolved not to carry on the works, the upset price has been fixed so as to little more than cover the original value of the Machinery, less the carriage of it back to Bombay for sale.

Burwai is situated on the north or right bank of the Nerbudda, at the point where the main road from Bombay to Indore crosses the river. It is 35 miles distant from the Military Station of Mhow, and 45 from Indore. It is also distant about 40 miles from Khundwa, the nearest station on the Great Indian Peninsula Railway, which is expected to be opened to Khundwa in 1866. There are tolerably good roads from Burwai to the places above named; and these roads are under charge of the Government Engineers, by whom they will be improved.

NOTICE.

Lost in transit by Post between Dumoh and Calcutta the 1st halves of Central Provinces Currency Notes, Nos. 60417 and 60418, for Rs. 20 each. Notice has been sent to the Offices of Issue at Nagpore and Calcutta.

PRELIMINARY ANNOUNCEMENT.

IMPORTANT INDIGO FACTORIES FOR SALE.

To be sold by Public Auction on or about the 20th instant (unless previously disposed of by private contract)—

By order of the Mortgagees,

The well-known Indigo Factories called the Allumchund Concern, at Allahabad, with valuable Talook property attached thereto and Koontee crop now in the ground;

also

The Koorsun Factory, Allahabad, with Koontee crop, both lately the property of N. Flouest, Esq., deceased. Further particulars and conditions of sale will be published, and in the mean while applications to be made to Messrs. W. Moran and Co., Old Mint Mart, Calcutta, and Messrs. Barrow, Sen, and Watson, Old Post Office Street, Calcutta.

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No. 14.

SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, APRIL 22, 1865.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees four annas if sent by Post.*

No Official Orders or Notifications the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

Government of India.

Abstract of the Proceedings of the Council of the Governor General of India assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament, 24 and 25 Vic., cap. 67.

The Council met at Government House on Thursday, the 13th April 1865.

PRESENT:

His Excellency the Viceroy and Governor General of India, *presiding*.

His Honour the Lieutenant Governor of Bengal.

The Hon'ble H. B. Harington.

The Hon'ble W. Grey.

The Right Hon'ble W. N. Massey.

The Hon'ble J. N. Bullen.

The Hon'ble R. N. Cust.

The Hon'ble D. Cowie.

MUNICIPAL ACT (LUCKNOW) AMENDMENT BILL.

The Hon'ble MR. CUST introduced the Bill to amend Act No. XVIII of 1864 (to provide for the appointment of a Municipal Committee for the City of Lucknow). He said that last week he had stated the object of the Bill, which was a very simple and brief one. It was merely to enable the Governor General in Council, at the time he extended the Act to other places, to state the number of which the Committee should consist. That was the only object of the Bill. As this was the last occasion on which the Council would sit for some months, he begged to ask His Excellency to suspend the Rules for the conduct of business, to enable him (Mr. Cust) to move that the Bill be taken into consideration.

The President declared the Rules suspended.

The Hon'ble MR. CUST then moved that the Bill be taken into consideration.

The Motion was put and agreed to.

The Hon'ble MR. CUST also moved that the Bill be passed.

The Motion was put and agreed to.

CHIEF COURT (PUNJAB) BILL.

The Hon'ble MR. CUST moved that the Report of the Select Committee on the Bill to amend the constitution of the Chief Court of Judicature in the Punjab and its Dependencies be taken into consideration. He said that the Bill had been carefully considered in Committee, and since the Committee had made their report, the opinion of the Lieutenant Governor of the Punjab and the Judicial Commissioner had been received.

There were some important changes introduced in the practice of the Punjab Courts: the anomalous jurisdiction of the Revenue Courts in suits regarding land was curtailed; and it was only in those Districts in which settlement operations were in progress that the action of the Civil Courts was barred. Even when the case was heard in the Revenue Courts, the rules of procedure were to be attended to, and no interference of the Executive authorities would be legal. Although the Financial Commissioner was invested with the powers of a Court of final appeal, no other powers of supervision or transfer were extended to him, and he could only act in such cases as those in which the Chief Court would have acted.

Another change had been made regarding special appeals, and he regretted to find that the Judicial Commissioner of the Punjab did not agree with the conclusions of the Committee, which were, however, arrived at unanimously after careful consideration. The object of a special or second appeal was not so much to do justice in the particular case as to secure a uniformity of judicial decisions, and this could only be secured when such appeals lay to the highest Court only, and not to the ten Commissioners, each of whom might rule differently. These appeals would be greatly reduced in number when the rule with regard to their admission was strictly followed.

He (Mr. Cust) regretted to find that the local authorities did not agree with the Committee in the provisions made in the event of a difference of opinion between the two Judges on a point of law, in which case a reference could be made at the request of one of the Judges to the High Court of Calcutta. The local authorities would prefer that such references should be made to the Financial Commissioner; but it was clear that points on which a Barrister Judge would differ from the Civilian Judge, were not likely to be such as could be satisfactorily disposed of by an Officer whose experience was in a totally different direction.

With regard to the original Criminal jurisdiction of the Chief Court, the Bill followed closely the provisions of the recent Act to amend the procedure of the High Courts: the subject having been so fully discussed on several occasions, need not be alluded to further.

One or two additions had been made to the Bill since it passed through Committee, the object being to make the Bill complete in itself, and harmonize with the Punjab Courts' Act, and the Pleaders' Act. Provision had also been made for offences committed by European British subjects in the independent territories adjacent to the Punjab.

The Hon'ble Mr. Bullen said that, in respect to the jurisdiction which it was proposed by this Bill to confer on the Chief Court of the Punjab to try British-born subjects accused of criminal offences, it had his cordial support. He had long considered it a scandal to our administration that a prisoner and the witnesses for the prosecution and defence should be dragged from one end of the empire to the other before he could be put upon his trial.

Practically, such a system conferred an almost entire immunity from punishment for the lesser crimes, even when the evidence was so clear that a conviction was morally certain, still more so when any doubt existed as to the legal sufficiency of the evidence. Still, until the passing of the Penal Code, and until the constitution of the Mofussil Courts had undergone a modification, there were grave objections, as Mr. Maine and the Hon'ble gentleman opposite (Mr. Harington) had on previous occasions frankly admitted, to British-born subjects being arraigned before them. These objections would now no longer exist. This Bill provided that one of the Judges before whom the prisoner would be tried should be a Barrister Judge, and it gave the prisoner the same privilege which was conferred on British-born subjects by the Bill recently passed to amend the procedure of the High Courts, of claiming that at least half the Jurors empannelled to try him should be Europeans or Americans. He (Mr. Bullen) would himself have preferred that unanimity of the Jury should have been necessary for conviction, but, as the principle of a majority of nine had been affirmed by the Council in the High Courts' Bill recently passed, the same principle must necessarily be adopted in this Bill. Practically, he had no doubt that every prisoner would have a fair trial, and nothing more could reasonably be claimed for him.

The Motion was put and agreed to.

The Hon'ble Mr. Harington said he had two amendments to propose—

First,—that at the end of the second Clause of Section 46 the following words be added:—"The Chief Court may proceed in the case notwithstanding such reference, and may pass a decree contingent upon the opinion of the High Court on the point referred; but no execution shall be issued in any case in which a reference shall have been made until the receipt of the order of the High Court."

Second,—that the following Section be substituted for Section 51:—

"Whenever the Lieutenant Governor of the Punjab shall, under the authority vested in him by Section 47 of the Pleaders, Mookhtars, and Revenue Agents' Act, 1865, extend the provisions of the said Act to the territories under his government, nothing in the said Act shall affect the provisions of Sections 10, 11, and 12 of this Act."

The Motion was put and agreed to.

The Hon'ble Mr. Cust also moved that the Bill as amended be passed.

The Motion was put and agreed to.

Revised Civil Procedure Bill.

The Hon'ble Mr. Harington presented the Report of the Select Committee on the Bill for consolidating and amending the laws relating to the Procedure of the Courts of Civil Judicature in British India, and moved that the Report and the Bill as amended in Committee be published in the *Gazette of India*. He said, as it was not intended to ask the Council to take into consideration the Report of the Select Committee, which he had just presented, during the present sittings of the Council, he would not occupy the time of Hon'ble Members to-day by noticing in detail the alterations which the Select Committee had recommended should be made in the Bill before it was passed into law. These alterations, though numerous, were, for the most part, as noticed in the Report of the Select Committee, merely verbal, and he might say that none of them materially affected the fundamental principles of the Bill. He believed he might also say that all the alterations proposed by the Select Committee were entitled to rank as improvements. In performing the task assigned to them, the Select Committee had had the assistance of a large body of valuable reports on the Bill received from all parts of India. These reports were the result of the publication and circulation of the Bill, accompanied by an invitation to all Judicial Officers and others freely to express their opinions on its provisions. Probably no invitation of this nature had ever been more fully and heartily responded to. As regarded some of the reports, he regretted to say that they had been received too late to admit of the Select Committee benefiting by them; but he hoped that the reports to which this remark applied, would undergo a careful examination during the time that the Council remained adjourned, and that the Bill, before it became law, would be still further improved by the introduction of any of the amendments proposed therein which might appear deserving of adoption. The reports of the local authorities generally were so good, and most of them contained so much that was useful, whether in the way of information or suggestion, that the selection of any for special notice might seem invidious and unjust to the others; but the Government of Madras, and Mr. Collett, one of the Zillah Judges in the Madras Presidency, had shown, in the reports received from them, such a careful study of the Bill, and their reports were so full of practical suggestions, that he (Mr. Harington) hoped he might be permitted particularly to mention these authori-

ties, in addition to the Officers named by him on the introduction of the Bill, as those from whom he had derived much valuable assistance in its preparation. In introducing the Bill, he stated that it left absolutely untouched all the fundamental principles and the essential features of the Code now in force as prepared by the Royal Commissioners in England; and he was glad to have it in his power to assure the Council that the objects chiefly aimed at by the Royal Commissioners in preparing the Code, viz., to secure certainty, expedition, and economy in the disposal of cases, and to avoid every thing in the way of technicalities not required in the interests of Justice, had been steadily kept in view by the Select Committee, and that they had introduced nothing into the Bill which could render the procedure prescribed by it less certain, less expeditious, or more expensive than the Code as prepared by Her Majesty's Commissioners. In these respects he believed the Bill, as amended by the Select Committee, would fairly bear comparison not only with the Bill as introduced, but also with the Code of the Royal Commissioners as passed in this country. He thought it would be satisfactory to the Royal Commissioners, the Council, the Civil Courts throughout the country, and the general public to receive this assurance from him.

He hoped he would not be considered very presumptuous in claiming for the Bill, as introduced, that it was a great improvement on the existing Code of Civil Procedure. It proposed to supply many omissions and to cure many defects which the experience of the working of the Code during the time that it had been in operation, had brought to light. It also met a number of wants which had arisen in this interval from the creation of new classes of Courts, changes of law, and other causes. He had said that the alterations recommended to be made in the Bill by the Select Committee, might all be regarded as improvements. Such then being the character of the Bill, altered as proposed by the Select Committee, he felt that he might with confidence have asked the Council to pass the Bill at once, and that the Council might with perfect safety have given their assent to a motion to that effect; but it had been suggested by those whose opinions were entitled to the utmost respect, that as it was very desirable that any revision of the Code, now made, should be so comprehensive and complete as to obviate the necessity of any further revision for many years, it would be better not to hurry the Bill into law, but to allow it to remain, as now framed, for some time before the Public. No doubt there was wisdom in this suggestion, and accordingly it had been proposed that the Bill, as amended by the Select Committee, instead of being passed at once, should, with the Report of the Select Committee, be published in the Official Gazette.

It remained for him to say that the Select Committee generally, and himself in particular as the Member in charge of the Bill, had, in revising the Bill and settling its provisions, derived the greatest assistance from the learned Assistant Secretary of the Council (Mr. Stokes). From the first he had taken the deepest interest in the work, and had thrown himself heartily into it. His services had really been most valuable, and he considered that both the learned Assistant Secretary and Mr. Thompson of the Civil Service, who had been employed under him, were entitled to the acknowledgments of the Government for their labours in connection with the Bill. The work which led to Mr. Thompson's appointment being now completed, his services would be replaced at the disposal of the Government of Bengal, to which division of the Bengal Presidency he belonged. He could not allow Mr. Thompson to quit his present post without saying that the able manner in which he had discharged the duties entrusted to him held out good promise of future usefulness and distinction in the Service. He should be glad if Mr. Thompson's labours in connection with the present Bill, and the knowledge which he must thereby have acquired of our system of Civil Procedure, contributed in some measure to his success in the Public career which was before him.

The Hon'ble Mr. Cust said that, with His Excellency's permission, he would make a few brief remarks. He joined in the regrets which he was sure the Hon'ble Mr. Harington must feel, that the Bill for amending the Code of Civil Procedure, after all the pains that had been taken in Committee, had not passed into law. The Punjab suffered more particularly, as it had fallen betwixt two stools to the ground. Act VIII of 1859 was not introduced by Sir Robert Montgomery, because he understood that an amended Code was expected, and now the Punjab was in this respect in the rear of the rest of India, the only Province without a Code having the force of law by Act of the Council of India.

But he had to express his regret on another subject also. He feared that this was the last time that the Hon'ble Mr. Harington would take his seat in this Council, and that he would not have the satisfaction of seeing this Bill pass into law. During the last seven years, the whole of the Judicial system had been taken to pieces, recast and remoulded, in the form of Codes and organic laws; and in all this work the Hon'ble Member had taken so active a part that he felt that, without him, much would not have been done at all, and much would not have been done so well. If the Judicial servants of Government were able, with satisfaction to themselves and to the people, to master all the details of the laws which they administered, they would have great reason to thank the untiring industry and unrivalled knowledge which Mr. Harington had brought to bear on the subject.

His Excellency the President said that he fully concurred in all that had fallen from his Hon'ble friend Mr. Cust as to the merits and qualifications of their Hon'ble friend Mr. Harington. That gentleman, after an honourable and useful career of nearly forty years, was about to retire from this country, he was happy to add, in health and strength. What to us was a great and serious loss, was to him a benefit and happiness. His Excellency did not know any Officer who had done more essential service to India than their friend Mr. Harington. His knowledge of the Acts and Regulations, his intimate acquaintance with Native usages and customs, had rendered him a most useful Councillor; and His Excellency was sure that he did not exaggerate when he said that they would have very great difficulty in supplying his (Mr. Harington's) place.

The Motion was put and agreed to.

The Council then adjourned *sine die*.

WHITLEY STOKES,
Offg. Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

CALCUTTA,
The 13*th April* 1865.

Government of Fort St. George.

Cinchona Operations in the Neilgherries

Report on the Number, Distribution, and Condition of Cinchona Plants on the Neilgherries on the 28th February 1865.

Species.	Botanical Names	Commercial Names.	No. of Plants.	Value per lb of Dry Bark in the London Market.				REMARKS.
				s.	d.	s.	d.	
1	C. Succirubra ...	Red Bark ...	1,52,964	2	6	to 8	9	The number of plants permanently planted out in the plantations remains the same as last month, namely, 1,65,351.
2	C. Calisaya ...	Yellow Bark ...	2,651	2	10	to 7	0	
3	C. Officinalis Var Condamenia (C. Uritusinga)	Original Loxa Bark	3,114	2	10	to 7	0	
4	Ditto. Var Bonplandiana (C. Chahuarguera)	Select Crown Bark	3,48,572	2	10	to 7	0	The increase by propagation is 23,419, being 3,807 plants above the average of the last six months, making the total number of plants at the end of the month 5,39,602.
5	C. Crespilla ...	Fine Crown Bark ...	2,563	2	10	to 6	0	
6	C. Lancifolia ...	Pitayo Bark ...	30	1	8	to 2	10	
7	C. Nitida ...	Genuine Grey Bark	2,786	1	8	to 2	9	
8	C. Species without name	Fine Grey Bark ...	8,500	1	8	to 2	10	
9	C. Micrantha ...	Grey Bark ...	14,608	1	8	to 2	9	
10	C. Peruviana ...	Finest Grey Bark..	3,389	1	8	to 2	10	
11	C. Pahudiana .	Unknown ...	425	Worthless.				
		Total number of plants ...	5,39,602					

TABLE II.

Memorandum of the growth of eleven plants of C. Succirubra, planted on the 2nd Denison Plantation at Neddivuttum, on the 30th August 1862.

No. of Plants.	Height in inches when planted on the 30th August 1862.	Height in inches on the 31st Jan. 1865.	Height in inches on the 28th Feb. 1865.	Growth in inches during Feb. 1865.	By whom planted.
1	23	113¼	114	0¾	His Excellency Sir W. Denison.
2	16½	102	102½	0½	
3	19	105¼	106	0¾	
4	15	99	99½	0½	
5	27	117½	118	0½	
6	20	90	91	1	
7	20	108	109	1	J. W. Breeks, Esq
8	18	109½	110	0½	Dr. Sanderson.
9	20	112	113	1	J. D. Sim, Esq.
10	20	114	114½	0½	Lieutenant McLeod.
11	18	98¾	99	0¼	P Grant, Esq
12	...	53½	55	1½	Plant cut down for bark

Table II. exhibits the growth of eleven plants of Cinchona Succirubra planted out by His Excellency the Governor and other gentlemen at Neddivuttum on the 30th August 1862. The average growth of these plants during the month is $\frac{7}{24}$ths of an inch, being $\frac{1}{32}$nd of an inch below the growth of last month.

One of the two plants cut down on the 20th of March 1863, for the bark submitted to Mr. Howard for analysis, has made strong shoots of 55 inches in height, giving the growth of 1½ inches during the month.

The Gazette of India,

EXTRAORDINARY.

Published by Authority.

CALCUTTA, FRIDAY, APRIL 28, 1865.

Home Department.

LEGISLATIVE.

The following Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor-General of India for the purpose of making Laws and Regulations, on the 13th April 1865 :—

REPORT.

We, the undersigned, the Members of the Select Committee of the Council of the Governor-General of India for the purpose of making Laws and Regulations, to whom the Bill for consolidating and amending the Laws relating to the Procedure of the Courts of Civil Judicature in British India, together with the communications noted in the annexed list, was referred, have the honour to report as follows :—

We have carefully revised the Bill, and have adopted a large number of the suggestions contained in the communications above mentioned.

Before entering into the details of our revision we may premise that the alterations which we have made are to a great extent verbal, and that, with very few exceptions, they do not affect the general or fundamental principles of the Bill as introduced.

The most important alterations involving questions of principle are in the Sections relating to the specific performance of contracts, and in the part of the Code relating to Reviews of Judgments.

We have provided that specific performance shall not be decreed of any contract, the complete performance of which is necessarily extended over a longer period than five years. When any such contract shall have been entered into before the passing of the Act, we propose that specific performance shall not be decreed for more than five years from the date of the decree.

We have altered Sections 131, 132, 133, 134 and 135*(a)*, and confined their operation to suits brought to enforce the specific performance of registered contracts. For the procedure to enforce the *ex parte* order given under Section 133, we have provided that, on proof of service of the order, the Court shall receive the plaintiff's evidence, and, subject to certain conditions, pass a decree for specific performance. The conditions prescribed are these :—that the consideration is adequate ; that the contract is reasonably certain ; that the defendant is able to perform it, and that the performance will not impose extreme or immoderate hardship upon him. We have thus, we trust, met the objections of those who fear that the power of enforcing specific performance of contracts by the attachment of the property and the imprisonment of the party guilty of the breach of contract, may be used as an instrument of oppression. We have enabled the Court to decree damages in the event of the contract not being specifically performed, and provided for the execution of the decree.

The power given to the Judges of the subordinate Courts of reviewing, of their own authority, orders passed not only by themselves but by their predecessors, or by Judges for whom they are merely officiating, has, we understand, led to considerable abuse, and the Committee are strongly of opinion that the opportunity for this abuse should be taken away.

Under the Code as it now stands, many orders passed in execution of a decree are not open to appeal. It has been suggested that in such cases

(a) The numbers in this Report refer to those of the Sections of the Bill as introduced and published in the *Gazette of India* for 29th April 1864.

either an appeal or a review of judgment should be allowed.

We have thought it better to adopt the latter alternative, subject to the proviso, which we propose should extend generally to reviews, that, when the review is granted by a Court subordinate to a District Court, it shall be with the previous sanction of such Court, and that, when granted by a District Court, it shall be with the previous sanction of the High Court.

We have armed the Civil Courts with power to punish witnesses for failing to attend when summoned, instead of leaving the cases of persons so offending to be dealt with by the Criminal Courts. The necessity for this provision in order to the due administration of justice has been strongly pressed by many Judges, some of them of long standing and of considerable experience.

We have introduced several changes in the Chapter relating to the High Courts, and exempted those Courts from the operation of some Sections, which, however well adapted to Courts in the Mofussil, have been found unnecessary and, in some instances, inconvenient in the High Courts with their superior judicial agency.

We will now specify some of the minor additions and alterations which we have thought necessary.

We have added definitions of 'Person,' 'Section,' 'Chapter,' 'Law,' 'Judgment,' 'Decree,' 'Immovable Property,' 'Movable Property,' 'Bond,' 'Document,' and 'Subordinate Court.'

We have inserted a clause analogous to Section 3 of the Bill as introduced, providing that the Sections to which the letters 'R. C.' are affixed, shall extend to Revenue Courts.

We have provided that every person shall be entitled to sue except persons expressly prohibited from suing by any law. Executors and administrators, trustees of express trusts, and next friends of lunatics and idiots may, on obtaining the permission of the Court, sue without joining with them the persons for whose benefit the suit is brought. Infants will sue by guardian or next friend, who will be admitted and may be removed by the Court, and who may be made liable for the costs of the suit. We have also provided that an infant defendant shall appear by guardian.

To Section 10 we have added explanations after the manner of the Indian Penal Code and the Indian Succession Act, 1865, as to the place in which a cause of action may be held to have arisen: as to the dwelling necessary to give jurisdiction: as to the place in which a Corporation or Company shall be deemed to carry on business; and as to the business contemplated in the Section. To Section 61 we have added an explanation of what shall be considered to constitute residence out of British India. We have also given explanations as to the adequacy of consideration and the certainty required for enforcing specific performance of a contract.

We have introduced Sections declaratory of the tribunal in which suits not for immovable property, shall be brought against the Secretary of State, the Government of India and the local Governments.

We have provided for the subscription and verification of the plaint in suits by Government or the Secretary of State.

We have extended Section 24 (as to declaratory suits) so as to enable the Court to make declarations of future rights, and to empower a trustee to obtain a declaration of the respective rights of the persons interested in a trust-estate. We have provided that no Court shall make any declaratory decree or order unless it could, if required, act upon it by giving consequential relief.

The extension of Railway communication has induced us to add to Section 73 a second exception to the rule that no party resident more than fifty miles from the Court shall be ordered to appear in person. We have provided that if Railway communication exist between the place where the party reside and the place where the Court is held, or within a convenient distance from such places, the Court shall have a discretion as to making such order. A similar addition has been made to Section 280.

On the issue of a Summons for final disposal, the parties will be required to produce their witnesses on the day fixed for hearing the suit; and we have provided a procedure where the Court cannot give judgment at the first hearing.

When the defendants are partners, and the suit relates to a partnership transaction, service on one defendant for himself and the others will be sufficient.

When the defendant fails to comply with an order under Section 113 to give security for his appearance, we have provided by express words that the Court may commit him to Jail.

We have added a clause to Section 120, providing that the Court, if satisfied of the plaintiff's inability to furnish the specification and valuation required by that Section, may dispense therewith.

We have provided that an award of compensation for arrest or attachment on insufficient grounds, or for the needless issue of an injunction, shall be executed like a decree for money.

A Notice to produce documents when served on a party to a suit will, if the Court shall so order, have the force of a Summons.

We have altered Section 163, so as to enable the Court, when the defendant fails to appear, to dispense with strict proof of the service of the Summons; and we have provided that, if the Summons shall have been issued for the final disposal of the suit, the Court, if satisfied of the justice of the plaintiff's claim, may proceed to pass a decree in his favour *ex parte*. The written declaration

(mentioned in Section 173) in support of the cause shown for failure to appear will now be on stamp-paper where a stamp is required for petitions.

As a preliminary to setting aside a decree *ex parte* in a suit involving a claim to money, we have considered it right to require the amount with costs to be paid into Court.

We have provided that, in the case of any party failing to present a written statement called for under Section 183, the Court may pass a decree against him, or make such order in relation to the suit as it may deem proper.

In order to bring the Code into harmony with the Stamp Act (X of 1862, Section 15) we have made the penalty payable on the reception of unstamped or insufficiently stamped documents treble, instead of double, the amount of the stamp duty or additional stamp duty which it should have borne.

We have added a proviso to Section 217 that when the hearing of evidence shall have once begun, the hearing of the suit shall not be adjourned at the application of any of the parties, except from day to day, when all the witnesses cannot be examined on the same day. Great encouragement has been given to perjury and subornation of perjury, and other serious irregularities have arisen, in consequence of the facility hitherto enjoyed of obtaining adjournments, especially in the hearing of evidence.

We have provided a procedure where cases, in which a District Court shall have given an opinion under Section 245 on the law of the religion or of the established customs of the parties, shall come on appeal before such Court.

We have made provision in Section 266 for the Judge's temporary inability to take down evidence as required in that Section.

We have empowered the Court to appoint any Government Officer with the consent of his immediate superior to be a Commissioner to make a local investigation.

We have provided a procedure *ex parte* when the parties do not appear before the Commissioner.

As to costs, we have provided that, at the time of disposing of any application, the Court may award to either party the costs of such application, or reserve the consideration of such costs for any future stage of the proceedings. We have further empowered the Court to set-off costs payable to one party by another against a sum which the former shall admit to be due from him to the latter. We have also provided that the Court may give interest on costs at six per cent., and direct that costs, with or without interest, be made a charge on the subject-matter of the suit. In case of the plaintiff's bankruptcy or insolvency, we have provided that the Court may award the defendant's costs to be recovered out of the plaintiff's estate; and, where the plaintiff withdraws from the suit without permission, he will be liable for such costs as the Court shall award. We have given the Courts power, in rejecting a written statement and on re-admitting an appeal dismissed for default, to impose terms as to costs or otherwise.

We have by express words empowered the Courts to appoint the Assessors mentioned in Sections 298 and 299, and we have thought it inexpedient to require that the opinions of the Assessors shall always be given orally.

We have empowered the Court, with the consent of the parties, to put any of them or any other person on his oath or affirmation, and to decide the suit on the statement made under that sanction.

We have provided that, if the judgment in suits in which a regular appeal is not allowed be written in English, it shall not be necessary to translate it, unless any of the parties require a translation. In like manner the judgment of the Appellate Court need not be translated unless any party shall so require.

The judgment of a Court of Small Causes will not be required to give the reasons for the decision.

We have provided for the execution and, if necessary, the alteration of the conveyance or endorsement tendered under Section 327. We have also provided for the case of the Judge agreeing to a conveyance going beyond the terms of the decree, or refusing to agree to a conveyance in conformity with those terms.

A warrant for arrest of the defendant will direct the serving officer to bring him before the Court.

In Sections 369 and 400 we have authorized the immediate sale of perishable commodities.

Where there is a mortgage or lien on the attached property, we have provided that the attachment shall continue subject to the claim of the mortgagee or person entitled to the lien.

If the decree-holder purchase at an execution sale, we have provided that the amount of his decree may be taken in payment, in whole or in part, as the case may be.

As regards the enforcement of registered Bonds, we have provided that the obligee of a bond payable by instalments may sue before all the instalments shall have become due. We have also provided that the representative of a deceased obligor may plead that he never received any assets, or that they have been paid away, or that they are insufficient.

In Section 512 we have added to the grounds of setting aside an award—either party having fraudulently concealed any matter which he ought to have disclosed, or having wilfully misled or deceived the arbitrators or umpire. The Section

as it stood provided for setting aside an award on the ground of misconduct, only when a charge of such misconduct was established against the arbitrators or umpire. As observed by the Madras Government, this renders such charges more frequent than they would otherwise be, and the probability of being exposed to them makes respectable men unwilling to arbitrate.

We have given a regular appeal in respect of costs alone, provided that it shall appear upon the face of the decree or order that the Court below proceeded upon a mistake or misapprehension.

We propose that on appeal the Courts should be required, of their own motion, to take cognizance of defences founded on lapse of time, breach of the Stamp laws or want of jurisdiction.

A respondent taking objection to the original decree from which he may have preferred no cross-appeal, will have to give seven days' notice in writing of such objection.

We have added to the grounds of special appeal, failure by a subordinate Court to determine an issue of law or usage having the force of law, and error in the opinion given by the District Court on a question of religious law or established usage or custom.

The Advocate's certificate endorsed on the application for a special appeal or for a review of judgment, will be required to specify by their numbers which of the grounds he considers well founded and sufficient.

We have given the High Court power to call for the record of any case decided by a Court of Small Causes, or, on appeal, by any subordinate Court, in which no appeal shall lie to the High Court, if such Small Cause Court, or such subordinate Court, on hearing the appeal, shall appear to have exercised a jurisdiction not vested in it by law.

We have omitted the Section empowering the Courts to return the stamp duty paid on an application for review.

In the Chapter on High Courts, we have omitted the provision contained in Section 629 as to suits against the representative of a deceased person on a cause of action which accrued against the deceased in his life-time. We have also omitted Section 632 as unnecessary.

In a Division Court, if the Judges shall be equally divided, the opinion of the Senior Judge will prevail.

We have extended the power of reference given by Section 640, so as to enable the matter to be investigated by the Registrar or other proper Officer of the High Court, and we have declared that any act not of a judicial nature which the Code requires to be done by a Judge, may be done by the Registrar, or such other Officer as the Court may direct.

We have declared that in suits coming before the High Courts in the exercise of their ordinary original jurisdiction, Attornies may obtain and serve summonses.

We have provided that nothing in the eighth Section shall debar the High Court or any Judge of the High Court from rescinding or modifying any interlocutory order passed by it or him in the course of a suit.

We have for reasons already given exempted the High Court from the operation of Sections 26, 27, 28, 29, and 34.

Lastly, we have empowered the Governor-General in Council to invest the chief Executive Officer of any part of British India under the immediate administration of the Government of India, with the powers vested by the Code in a Local Government.

We recommend that this Report and the Bill as amended be published in the Official Gazette.

H. B. HARINGTON.
H. L. ANDERSON.
J. N. BULLEN.
G. N. TAYLOR.
RÁJÁ SÁHIB DYÁL BAHÁDUR.
W. MUIR.
R. N. CUST.

The 10*th April* 1865.

From Chief Secy. to Govt., Fort St. George, No. 904, dated 10th June 1863.
From Registrar, High Court, Madras, No. 14, dated 16th January 1863.
Remarks of Sir Colley Harman Scotland, Chief Justice
From Secy. to Chief Commr., Oude, No. 2775, dated 4th December 1863.
Observations by Sir Colley Harman Scotland and Sir Adam Bittleston.
Minute by Mr. Justice Norman, Officiating Chief Justice.
From Secy. to Chief Commr., Central Provinces, No. 3754, dated 9th August 1864.
From Judicial Commr, Central Provinces, No. 2030, dated 29th July 1864.
From Secy. to Govt. of India, Foreign Dept., No. 282, dated 5th September 1864.
From R. G. Keene, Esq., No. 41, dated 3rd September 1864.
From ditto ditto, No. 42, dated 3rd September 1864.
Remarks by J. W. Mirfield, Esq, Solicitor, Calcutta, dated 21st October 1864.
Constructions of the late Sudder Court and Appellate branch of the High Court, Madras, from the date on which the Code came into operation to the 31st December 1862.
Supplemental statement of decisions of the High Court at Madras, Original side, from the 16th August to the 31st December 1862.
Rulings of the High Court, Madras, both in its original and appellate jurisdiction, during the year 1863.
Rulings of the Sadr Díwání Adálat, N. W. P., from the passing of the Act to the close of the year 1862.
Rulings of ditto ditto from the enactment of Act VIII of 1859 to the end of the year 1862.
Rulings of ditto ditto in cases in which there was a difference of opinion among the Judges of the Court.
Rulings of ditto ditto consequent on doubts in regard to the construction of particular Sections, entertained by subordinate Courts.

Rulings of the Court of Nizámat Adálat, N. W. P., in cases in which the construction put by the lower Court on any point is set aside by the Sadr Court.
Rulings of the Court of Sadr Díwání Adálat, N. W. P., during the months of July to December 1863.
Rulings of ditto ditto during the second half of 1863.
Rulings of ditto ditto in cases in which there was a difference of opinion among the Judges of the Court on points of construction.
Minute by Mr. Justice Seton-Karr, dated 24th August 1864.
Minute by Mr. Justice Campbell, dated 10th September 1864.
Extract, paragraphs 13 to 27, from the Annual Report of the Civil Judge of Lucknow for the year 1861.
Rules for trial by Jury in the City of Lucknow.
From Judicial Commr., Oude, No. 96, dated 5th July 1861.
From ditto ditto, Oude, No. 121, dated 14th February 1861.
From Civil Judge of Lucknow, No. 87, dated 21st March 1861.
From Judicial Commissioner, Oude, No. 294, dated 23rd April 1861.
Extract from the Report on the administration of justice in Oude in 1861.
Minute by Mr. Justice Levinge, dated 21st September 1864.
Memorandum by Mr. Justice Glover, dated 15th August 1864.
From Officiating Under Secy. to Govt., N. W. P., No. 197 A, dated 26th June 1863.
From Register, Sadr Court, N. W. P., No. 947 A, dated 31st May 1863.
From Officiating Secy. to Chief Commr., Oude, No. 2721, dated 27th October 1864.
From Settlement Commr., Oude, No. 3789, dated 11th August 1864.
Memorandum by the Supdt. of Excise and Stamps, Oude, on Sections 193 to 196, dated 15th August 1864.
From Officiating Judicial Commr., Oude, No. 516, dated 21st October 1864.
Minute by the Assistant Civil Judge, Lucknow, dated 11th October 1864.
Memorandum by Extra Assistant Commr., Oude, dated 22nd July 1864.
From Officiating Deputy Commr., Fyzabad Division, No. 280, dated 29th July 1864.
Memorandum by W. Oldham, Esq., Officiating Deputy Commr., Fyzabad, dated 12th August 1864.
Report by Lieut. A. H. Eckford, Assistant Commr., dated 30th August 1864.
Notes by E. G. Fraser, Esq., Civil Judge of Lucknow, dated 23rd September 1864.
Minute by Mr. Justice Bayley, dated 1st November 1864.
Note by Mr. Justice Phear.
Remarks and suggestions of the Sadr Court, N. W. P., dated 15th November 1864.
Additional supplemental Note by Mr. Justice Levinge, dated 19th November 1864.
Additional Note by Mr. Justice Levinge, dated 6th December 1864.
From Commr. of Lucknow, No. 1167, dated 26th October 1864.
Memorandum by Officiating Deputy Commr., Lucknow, No. 515, dated 27th October 1864.
Notes by F. L. Beaufort, Esq., Judge of the 24-Pergunnahs, dated 22nd November 1864.
Notes by Principal Sadr Amín, 24-Pergunnahs.
Remarks by Officiating Deputy Commr. of Durreabad, dated 20th November 1864.
Extract of letter from Commr., Khyrabad Division, No. 185, dated 21st November 1864.
Notes by Settlement Officer, Durreabad, dated 22nd November 1864.
Memorandum by Extra Assistant Commr., Oude, dated 28th November 1864.
Brief remarks by Vishvanath Narayan Mandlik, Pleader, High Court, Bombay, dated 13th October 1864.
From Judge of Tipperah, No. 380, dated 10th November 1864.
From 1st Principal Sadr Amín, 24-Pergunnahs, dated 17th October 1864.
From Principal Sadr Amín, Burdwan, dated 10th November 1864.
From Principal Sadr Amín, Behar, dated 11th November 1864.
From Sadr Amín of Moorshedabad, dated 27th October 1864.
From Judge of the Small Cause Court, Hooghly, No. 28, dated 29th October 1864.
From Principal Sadr Amín, Chittagong, dated 17th November 1864.
From Officiating Judge of Bhaugulpore, No. 245, dated 16th November 1864.
From Sadr Amín of Bhaugulpore, dated 16th November 1864.
From Secretary to Govt., N. W. Provinces, No. 268 A, dated 5th December 1864.
From Registrar, Sadr Díwání Adálat, N. W. Provinces, No. 2057, dated 15th November 1864.
Abstract of replies to N. W. P. Courts' Circular Letter, No. 15, dated 28th July 1864.
Remarks by the Chief Commissioner, British Burmah, dated 3rd December 1864.
From Chief Commissioner, British Burmah, dated 6th December 1864.
From Commissioner, Tenasserim Division, No. 689, dated 3rd December 1864.
From Assistant Commissioner, Moulmein, dated 28th July 1864.
From Assistant Commissioner, Konkara Sub-Division, dated 16th August 1864.
Comments by the Deputy Commissioner of Tavoy, dated 27th August 1864.
Remarks and suggestions by the Deputy Commissioner of Mergui, dated 22nd October 1864.
From Secretary to Govt., Punjab, No. 986, dated 5th December 1864.
Opinion of the Munsif of Syedpoor, Zillah Ghazeepoor.
From Munsif of Motecharee, dated 28th November 1864.
From Munsif of Kishengunge, dated 29th November 1864.
From Judicial Commr., Chota Nagpore, No. 41, dated 29th November 1864.
From Sadr Amín of Midnapore, dated 1st December 1864.
From Pandit Srí Kishen, Munserim, Roy Bareilly.
From Assistant Commr., Roy Bareilly, dated 25th August 1864.
Remarks by Officiating Deputy Commr., Roy Bareilly, dated 8th December 1864.
Opinion of the Advocate General, Madras.
From Secy. to Govt. of Punjab and its Dependencies, No. 986, dated 5th December 1864.
General remarks by P. S. Melvill, Esq., Commr. of Umritsur.
General remarks by Colonel Lake, Commr., Jullunder.
From Secretary to Board of Revenue, No. 5669, dated 1st September 1864.
From Acting Registrar, High Court, No. 66, dated 15th November 1864.
Further Observations in addition to those of the Chief Justice, Madras, and Sir Adam Bittleston, previously forwarded.
From Acting Civil Judge of Madura, No. 206, dated 29th July 1864.
From Judge of the Court of Small Causes, Negapatam, No. 139, dated 2nd August 1864.
From Civil Judge of Ootacamund, No. 154, dated 13th August 1864.
From Judge of the Court of Small Causes, Madura, No. 59, dated 3rd September 1864.
From Acting Judge of the Small Cause Court of Tanjore, No. 214, dated 22nd September 1864.
From Civil Judge, Salem, No. 13, dated 29th September 1864.
Remarks and suggestions of the District Munsif of Tripatúr.
From Civil Judge, Calicut, No. 402, dated 11th November 1864.
Remarks and suggestions of Principal Sadr Amín of Calicut.
From Civil Judge of Tanjore, No. 1144, dated 12th November 1864.
Remarks by the Judge of Tanjore.
Remarks and suggestions of the Principal Sadr Amín of Tanjore, dated 10th September 1864.
Notes by the Officiating Additional Principal Sadr Amín, Tanjore, dated 20th September 1864.
From District Munsif of Munargudi, No. 107, dated 14th September 1864.
From Civil Judge of Nellore, No. 64, dated 14th November 1864.
From Acting Principal Sadr Amín of Salem, No. 27, dated 19th November 1864.
From Acting Civil Judge of Rajahmundry, No. 357, dated 18th November 1864.
Remarks by Acting Civil Judge of Rajahmundry, dated 18th November 1864.
From Civil and Sessions Judge of Mangalore, No. M. D., dated 22nd November 1864.
Memorandum by District Munsif of Teekally, Ganjam, dated November 1864.
Memorandum by District Munsif of Aska, dated 18th October 1864.
From Acting Civil Judge, Chicacole, No. 453, dated 24th November 1864.

Opinion of District Munsif of Berhampur, dated 21st November 1864.
From Judge of the Court of Small Causes, Masulipatam, No. 339, dated 29th November 1864.
From Civil Judge of Chingleput, No. 172, dated 30th November 1864.
From District Munsif of Cuncbi, dated 11th November 1864.
Observations of the District Munsif of Tripasoor, dated 8th November 1864.
From Acting Civil Judge of Chicacole, No. 473, dated 6th December 1864.
Opinion of the District Munsif of Chicacole, dated 5th December 1864.
Additional Memorandum by the Munsif of Buxar, dated 7th November 1864.
From Principal Sadr Amín of Bhaugulpoor, No. 28, dated 14th December 1864.
From Registrar, High Court, No. 3606, dated 21st December 1864.
Minute by Mr. Justice Norman.
Resolution of the High Court, Calcutta, dated 3rd December 1864.
Minute by Mr. Justice Morgan, dated 2nd December 1864.
From Deputy Commr., Mohumdee, No. 402, dated 19th December 1864.
From Sir Joseph Arnould, Judge of High Court, Bombay, No. 27, dated 13th August 1864.
From Mr. Justice Newton, High Court, Bombay, dated 13th December 1864.
Memorandum by Commr. of Sind, dated 17th August 1864.
From Acting Judge, Canara, No. 1123, dated 30th August 1864.
From Principal Sadr Amín of Sirey, dated 22nd August 1864.
From Munsif of Yellapoor, dated 17th August 1864.
From Acting Judge, Sholapoor, No. 1307, dated 16th November 1864.
From Munsif of Sholapoor, dated 6th September 1864.
From Civil Judge, Vizagapatam, No. 837, dated 20th December 1864.
From Acting Judge of Chittoor Court of Small Causes at Vellore, No. 223, dated 23rd December 1864.
From Civil Judge of Vizagapatam, dated 26th December 1864.
Remarks by District Munsif of Vizagapatam.
Report by the Judges of the High Court, Madras.
From Secy. to Govt., Punjab, No. 55, dated 11th January 1865.
From Judicial Commr., Punjab, No. 373, dated 8th August 1863.
Rulings of the Court of Sadr Díwání Adálat, N. W. P. during the first six months of 1864.
Rulings of ditto ditto during the first six months of 1864.
From Sadr Amín of 24-Pergunnahs, dated 5th December 1864.
Remarks by Acting Civil Judge of Bellary, dated 27th January 1865.
Remarks and suggestions by District Munsif of Purghee in the Zillah of Bellary, dated 11th August 1864.
Notes by District Munsif of Bimlipatam, dated 25th January 1865.
From Under-Secy. to Govt., Bombay, No. 211, dated 26th January 1865.
From Registrar, High Court, Bombay, No. 1350, dated 15th December 1864.
From Judge of Dharwar, No. 1504, dated 3rd December 1864.

THE CODE OF CIVIL PROCEDURE.

ARRANGEMENT OF CHAPTERS AND SECTIONS.

CHAPTER I.

PRELIMINARY.

Section.

1. Short Title.
2. Interpretation Clause.
3. Sections of the Code extending to Small Cause Courts and Revenue Courts.
4. Enactments and Rules repealed.

CHAPTER II.

OF THE JURISDICTION OF THE COURTS.

5. Courts to try all civil suits unless specially barred.
6. Court not to try suit in which matter at issue has been heard and determined between same parties.
7. Appeals, revisions and new trials to be according to rules of Code.
8. No person exempt from jurisdiction by reason of descent or place of birth.
9. Persons entitled to sue.
   Suits by personal representatives, Trustees of express trusts, next friends of Lunatics or Idiots, Guardians or next friends of Infants.
10. Jurisdiction of Courts.
11. Suits against Government.
12. Suits against Secretary of State.
13. Court in which suit to be instituted.
14. Transfer of suits.
15. High Court may transfer suits and appeals.
16. Suit to include the whole claim.
    Relinquishment of part of claim.
17. Joinder of several claims in the same suit.
18. Court may in certain cases order separate trials of such claims.
19. Claims for immovable property and for mesne profits may be deemed to be founded on distinct causes of action.
20. Suits for immovable property situate in single District but within jurisdictions of different Courts.
21. Suits for immovable property situate in different Districts.
22. Suits for immovable property situate in Districts subject to different High Courts.
23. Suit for immovable property situate on border of local jurisdiction of the Court and alleged by defendant to be within another local jurisdiction.
24. Suit for specific performance of one act in case of contract to perform separate or successive acts.
25. Specific performance of contract requiring for complete performance more than five years.
26. Declaratory suit.

CHAPTER III.

GENERAL RULES.

27. Appearances, acts and applications may be in person, by recognized agent or by Advocate.
28. Each of several plaintiffs or defendants may authorize any other to appear, plead and act for him.
    Authority to be in writing, signed and filed.
29. Recognized agents.
    1st.—Persons holding powers of attorney from parties out of jurisdiction.
    2nd—Persons carrying on trade or business for parties out of jurisdiction.
    3rd.—Persons authorized to act for Government.
    4th. Persons specially appointed by Government to prosecute or defend a suit for any Prince or Chief.
    5th.—Persons specially authorized by infirm persons to appear, sue, or defend.
    6th.—Persons specially authorized to act for women exempt from appearing.
30. Service of process on recognized agent.
31. Appointment of Advocate.
32. Service of process on Advocate.
33. Service of process on a party who has not appointed an Advocate to act for him.
34. Agent to receive process.
    His appointment to be in writing and to be filed in Court.
35. Agent of Government to receive process.
36. If there be no Government Advocate specially appointed.

Section.

37. Officers or Soldiers who cannot obtain leave may authorize any person to sue or defend for them.
Authority to be in writing, countersigned by Commanding Officer, and filed.
38. The person so authorized may act personally or appoint an Advocate.
39. Service on person so authorized or on his Advocate, to be good service.
40. Suits by and against Infants.

Exemption from Personal Appearance.

41. Exemption of certain women from personal appearance.
42. Local Government may exempt certain persons from personal appearance.
43. List of names of persons exempted to be kept in the District Court.

Service of Process.

44. Proof of due service and delivery of process sent by post.
45. Process to be served at expense of party issuing it.
Costs of service of process.
46. Payment of cost of summons.
47. Service within limits of local jurisdiction of High Courts, of process issued by Courts without those limits.
48. Examination to be on oath or affirmation.
49. Court may order any document to be impounded.
50. When security is required a deposit may be made instead.
51. Punishment for verifying false plaint, statement, or declaration.
52. On disposal of applications Court may either award costs or reserve their consideration.

CHAPTER IV.

Of a Suit till Decree.

Of the Institution of Suits.

53. Suits to be commenced by plaint containing certain particulars.
54. Plaint to be subscribed and verified.
55. In case of plaintiff's inability to subscribe and verify the plaint.
56. In suits by Government or Secretary of State.
57. In suits by a Corporation or Company.
58. Cases in which the plaint may be rejected or amended.
59. Cases in which the plaint shall be returned to be presented in the proper Court.
60. Cases in which the plaint shall be rejected.
61. Procedure where there are several defendants, some of whom dwell without the jurisdiction.
62. When rejection of plaint does not preclude presentation of fresh plaint.
63. When security for costs is to be furnished by plaintiff at the time of presenting the plaint.
64. When security for costs may be required from the plaintiff at any stage of suit.
65. Procedure in a suit for immovable property in different jurisdictions.
66. When the plaint is admissible, particulars to be entered in the Register.
Form of the Register.
67. Written document on which plaintiff sues, if in his own possession or power, to be produced when plaint is presented.
And copy filed with plaint.
If plaintiff wish, original may be filed instead of copy.
List of other documents relied on to be entered at foot of plaint.
68. Shop-book, &c., to be produced.
69. Original document to be marked and returned.
70. Document not produced when plaint filed inadmissible in evidence without leave of Court.
71. Procedure to compel production of document in possession of defendant.

Of summoning the Defendant.

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72. On plaint being registered, summons to issue to defendant to appear and answer on a specified day.
73. Court may order defendant or plaintiff to appear in person.
74. Court may order personal appearance of a Director, Secretary or other Officer in suits against a Corporation or Company.
75. No party to be ordered to appear in person unless resident within 50 miles.
Or within the local jurisdiction of the Court.
Or unless there be railway communication.
76. Summons to be either to settle issues, or for final disposal.
77. In cases cognizable in Small Cause Courts, summons to be for final disposal.
78. Fixing day for appearance of defendant.
79. Summons to appear and answer shall order defendant to produce documents required by plaintiff or relied on by defendant.
80. On issue of summons for final disposal, parties to be directed to produce their witnesses.
81. Form of summons.

Service of Summons on the Defendant.

82. Summons shall be served by Officer of Court.
83. Mode of service.
84. When there are several defendants.
Where they are partners.
85. Service to be on defendant in person, when practicable, or on duly empowered agent.
86. Service on agent by whom defendant carries on business.
87. If defendant cannot be found and has no agent, service may be made on a male member of his family.
88. Person served to endorse the summons.
Service sufficient though copy not affixed.
89. If the summons cannot be served, copy to be fixed on house.
90. If defendant do not dwell in place mentioned, summons to be returned with endorsement of non-service.
Service in place within local limits other than that mentioned.
91. Endorsement of time and manner of service.
92. When summons is returned unserved, Court to order substituted service if satisfied that defendant is avoiding service.
93. Service of summons when defendant resides within jurisdiction of another Court and has no agent to accept service.
94. Service of summons on defendant in jail.
95. Procedure if jail be in a different district.
96. Service of summons when defendant resides out of British India and has no agent to accept service.
97. Service through a British Resident or Agent of Government.
98. Time for appearance under Sections 96 and 97.
In case of non-appearance of defendant, Court may direct suit to proceed subject to conditions.
99. In suits for immovable property, service on agent in charge.
100. Service on Government servants.
101. Service on Officers and Soldiers.
102. Service on a Corporation or Company.
103. Substitution of letter for summons.
104. Mode of sending such letter.

Of Suits against Government and Public Officers.

105. Service on Government Advocate.
106. Appearance and answer by Secretary of State or Government.
107. In suits against Government Officers for alleged official acts, summons to be served on them as provided in Section 100.
108. Court may grant extension of time to enable officer to make reference to Government.
109. If Government undertake defence, Government Advocate to appear and apply that note of his appearance be entered in Register.

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110. If no such application made, case to proceed as in suit between private parties.
But defendant not liable to arrest before judgment.
111. Exemption of Government Officers from personal appearance.

Of making Persons not before the Court Parties to a Suit.

112. Court may direct that persons appearing to be interested in a suit shall be made parties and may cause notices to be served on them.

Of Arrest before Judgment.

113. In suits for movable property, when defendant is about to leave the jurisdiction, &c., plaintiff may apply that security be taken.
114. Order to bring up defendant to show cause why he should not give security.
115. If defendant fail to show cause, Court may order him to make deposit or give security.
116. Procedure where defendant fails to do so.
117. Procedure in case of application by surety to be discharged.
118. Defendant to be imprisoned if he cannot give security.
119. Compensation where defendant arrested or suit instituted on insufficient grounds.
Limit to compensation.
Compensation to bar suit for damages.
120. When defendant is about to leave India, similar application for security may be made.

Of Attachment before Judgment.

121. Application before judgment for security from defendant to fulfil decree, and in default, for attachment of his property.
122. Contents of application and declaration.
123. Court may call on defendant to furnish security or show cause.
124. Attachment if cause not shown or security not furnished.
125. Withdrawal of attachment.
126. Mode of making attachment.
127. Investigation of claims to property attached before judgment.
128. Removal of attachment when security furnished.
129. Compensation for obtaining attachment or instituting suit on insufficient grounds.
Limit to compensation.
130. Attachment not to affect rights of strangers or bar decree-holder from applying for sale.
131. Court may stay sale of property already under attachment, when execution of a decree fraudulently obtained is applied for.
132. Case in which party may be put in immediate possession of land the subject of suit.

Of ex parte Orders to perform a Contract.

133. *Ex parte* order for specific performance of registered contract.
134. Enforcement of order.

Of Injunctions.

135. Cases in which an injunction to stay waste may be granted.
136. Before granting injunction, Court may direct notice to be given to opposite party.
137. Receiver or manager of immovable property.
138. When the Collector may be appointed receiver.
139. Injunction to restrain commission, repetition or continuance of breach.
140. Order for injunction may be discharged, varied or set aside.
141. Compensation to defendant for issue of injunction or institution of suit on insufficient grounds.
Limit to compensation.
142. Execution of award of compensation.

Of the Withdrawal and Adjustment of Suits.

143. Court may allow plaintiff to withdraw from a suit, with liberty to bring a fresh suit.

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144. Law as to limitation of actions not affected by the first suit.
145. Compromise of suits.
146. Court may grant certificate for refund of half stamp duty on plaint if suit be adjusted.
Proviso.

Of the Death, Marriage, and Bankruptcy or Insolvency of Parties.

147. No abatement by party's death if cause of action survive.
148. Procedure in case of death of one of several plaintiffs or defendants, if cause of action survive.
149. Procedure in case of death of one of several plaintiffs where cause of action survives to survivors and representative of deceased.
150. Procedure where no application made by representative of deceased plaintiff.
151. Procedure in case of death of sole, or sole surviving, plaintiff.
152. Abatement where no application by representative of deceased plaintiff.
153. Procedure in case of dispute as to representation of deceased plaintiff.
154. Procedure in case of death of one of several defendants, or of sole, or sole surviving, defendant.
155. Suit not abated by marriage of female party.
156. Plaintiff's bankruptcy or insolvency not to abate suit unless Assignee refuse to proceed and give security for costs.

Of Notices to produce Documents.

157. Notice to produce documents.
When served, may have force of summons.

Of the Appearance of the Parties and Consequence of Non-appearance.

158. Parties to appear on day fixed in summons for defendant to appear and answer.
159. Dismissal of suit where summons not served in consequence of plaintiff's failure to deposit costs of issuing it.
Unless defendant shall have entered appearance.
160. If neither party appear, suit to be dismissed.
161. In such case plaintiff may bring fresh suit.
Or Court may issue fresh summons.
162. Procedure if plaintiff only appear.
If summons issued for final disposal, decree *ex parte* may be passed.
163. If defendant appear on day of adjourned hearing, and assign good cause for previous non-appearance, he may be heard.
164. If plaintiff only appear, and due service of summons be not proved, Court may order issue of second summons.
165. If plaintiff only appear, and it be proved that summons was served, but not in due time, Court may adjourn hearing and direct notice to be given to defendant.
166. If defendant only appear, Court to make decree by default against plaintiff, unless defendant admit claim.
167. Bar of fresh suit by decree against plaintiff by default.
168. Procedure in case of non-attendance of one or more of several plaintiffs.
169. Procedure in case of non-attendance of one or more of several defendants.
170. Consequence of non-attendance, without sufficient cause shown, of party ordered to appear in person.
171. Court to receive written declaration in support of cause shown for failure to appear.
172. Setting aside decree *ex parte* against defendant.
173. Setting aside decree by default against plaintiff.
174. No decree to be set aside without notice to opposite party.
175. Order for setting aside decree to be final.

Of Payment into Court.

Section.

176. Deposit by defendant of amount considered by him to be in full satisfaction of claim, with costs up to date.
Notice of deposit.
Interest on sum deposited not allowed to plaintiff after receipt of notice.
177. Plaintiff may proceed for sum claimed in excess of amount deposited by defendant.

Of Written Statements.

178. Written statements.
179. Written statements to be on stamp paper.
180. Particulars of set-off to be given in a written statement.
181. No written statement to be received after first hearing, unless called for by Court.
Court may at any time call for written statement.
182. Frame of written statements.
183. Written statements to be subscribed and verified.
184. Procedure when party fails to present written statement called for by Court.
185. Court may reject written statement which is argumentative, prolix or irrelevant.

Of the Examination of the Parties at the first Hearing.

186. Oral examination of party or companion of himself or his Advocate.
Substance of examination to be written.
187. Consequence of refusal of party to answer.
188. Consequence of refusal or inability of Advocate to answer.

Of the Production of Documents.

189. Documentary evidence to be produced at first hearing.
190. Documents to be received by Court.
Rejection of irrelevant or inadmissible documents.
191. Admitted documents to be marked and filed.
Entries in shop-books.
192. Rejected documents to be marked and returned.
Unless detained by Court.
193. Court may receive in evidence unstamped documents on payment of proper stamp duty and penalty.
194. Entry of payments under preceding Section to be made in book and endorsed.
195. Judge to make monthly return to Collectors, of stamp duty received by Court.
Contents of return.
196. Collector to stamp document duly endorsed under Section 194.
197. After lapse of time for appeal, document admitted in evidence may be returned.
198. If no appeal, document may be returned as soon as decree is made.
199. Document may for special reasons be returned before time limited.
200. Document not to be returned in certain cases.
201. Certified copy to be kept.
202. Receipt to be given for returned document.
203. Court may send for papers from its own records or from other public Offices or Courts
Except State papers.

Of the Settlement of Issues.

204. Framing of Issues.
205. Issues may be framed from oral statements of parties and others.
206. Court may examine witnesses or documents before framing issues.
207. Amendment of issues.
Additional issues.

Of Issues by Agreement of Parties.

208. Questions of fact or law may by agreement be stated in the form of an issue.
209. Court, if satisfied that the agreement was executed *bonâ fide*, may give judgment.

When the Suit may be disposed of at the first Hearing.

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210. If the parties are not at issue on any question of law or fact.
211. If one of several defendants be not at issue with the plaintiff on any question of law or fact.
212. If the parties are at issue on questions of law or fact.
Court may determine the issues and give judgment.
213. If either party fails to produce his evidence, Court may make decree.
214. Procedure where Court cannot give judgment at first hearing.

Of Adjournments.

215. Court may grant time, or adjourn hearing.
Costs of adjournment.
Adjournment when hearing of evidence has once begun.
216. Procedure if parties fail to appear on day fixed.
217. Court may proceed notwithstanding either party fails to produce proofs or witnesses.

Of summoning Persons to give Evidence or produce Documents.

218. Summons to attend to give evidence or produce documents.
219. Expenses of witnesses to be paid into Court on applying for summons.
220. Scale of expenses.
221. Tender of expenses to witness.
222. Procedure where insufficient sum paid in.
223. Expenses if witness detained more than one day.
224. Time, place and purpose of attendance to be specified in summons.
225. Summons to produce a document.
226. Form of summons to give evidence or produce documents.

Of Service of Summons on Persons required to give Evidence or produce Documents.

227. How and when summons shall be served.
228. Service to be made in sufficient time before date of attendance.
229. Service to be on witness, or adult male member of his family.
230. When summons cannot be served, to be returned to Court.
231. Time and manner of service to be endorsed on summons.
232. Service of summons on witness resident in another jurisdiction.
233. Attachment of property of absconding witness.
234 If witness appears, attachment may be withdrawn.
235. Procedure if witness fails to appear.

Of the Examination of Parties as Witnesses.

236. Party appearing in person may be examined as a witness.
237. Special application to enforce appearance of party as witness.
238. Court may first give notice fixing a day to show cause why he should not appear.
239. Written declaration in support of cause shown.
240. If no sufficient cause shown, order to issue.
241. Court may of its own accord summon and examine any party as a witness.

Of the Examination by the Court of Strangers to the Suit.

242. Court may of its own accord summon as witnesses strangers to suit.

Of Questions respecting Religion or Custom.

243. Provision as to question arising in Court subordinate to District Court, relating to the law of the religion or established customs of any suitor.
244. Procedure of District Court when such question referred to it.
245. And when arising in suit pending in such Court.

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246. Procedure of High Court as to such questions, either referred or arising in suit pending in such Court.
247. Court referring any such question to stay decision pending receipt of opinion of higher Court.
248. Hearing of reference by Court to which it is made.
249. Transmission of decision of Court, and proceeding thereupon.
250. Decision of High Court to be communicated through District Court to subordinate Court.
251. Costs of reference.
252. Procedure where case in which a District Court shall have given an opinion comes on appeal before such Court.
253. High Court not bound in appeal by opinion given on reference.
254. Questions referred to High Court to be determined by two or more Judges.

Of the Attendance of Witnesses and the Consequence of Non-attendance.

255. Persons summoned to give evidence must attend.
256. Consequences of non-attendance by witness.
257. Consequences of refusal to give evidence or produce documents.
258. Consequences of party's non-attendance or refusal to give evidence or produce documents.
259. Any person present in Court may be called upon to give evidence though not summoned.

Of the Examination of Witnesses.

260. Witnesses to be examined at the hearing in open Court.
261. A witness may for sufficient cause be examined immediately.
262. How evidence shall be taken in appealable cases.
263. Local Government may direct evidence to be taken down by Judge in his vernacular language.
264. When witness may require his deposition to be interpreted.
265. When evidence may be taken in English.
266. Any particular question and answer may be taken down.
267. Questions objected to.
268. Court may record remarks on demeanour of witnesses.
269. Memorandum when evidence is not taken down by Judge.
270. Memorandum of evidence in unappealable cases.
271. Judge unable to make such memorandum to record reason of his inability.

Of Commissions to examine absent Witnesses, to make local Enquiries, and to investigate Accounts.

272. Witness not bound to appear if residing beyond a certain distance from Court.
273. Reasons to be recorded of order for attendance of witness at a distance exceeding 50 miles.
274. Cases in which Court may issue Commission to examine witness.
275. Order for Commission may be made either on application of parties or by Court of its own accord.
276. When witness resides within the Court's jurisdiction.
277. When witness resides beyond the Court's jurisdiction but in British India.
278. When witness is within local limits of the ordinary original Civil jurisdiction of a High Court.
279. When witness is not within British India but within territories of friendly Native Prince or State.
280. When witness is not in British India nor within territories of friendly Native Prince or State.
281. Commission to examine witness in jail.
282. Persons in whose presence such examination to be held.

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283. Commission to examine witness in jail outside local limits.
284. Commission when executed to be returned to Court issuing it with depositions of witnesses.
285. When depositions may be read in evidence.
286. Court may dispense with proof of circumstances mentioned in last Section.
287. Commission to make local investigation.
288. Appointment of Government Officer as Commissioner.
289. Commissioner may examine parties and witnesses and call for papers.
290. Report and depositions to be evidence in suit. Commissioner may be examined in person.
291. Commissioner to investigate and adjust accounts.
292. Court to give Commissioner necessary instructions.
293. Proceedings of Commissioner may be received in evidence, but Court may make further enquiry if dissatisfied.
294. Expenses of Commission to be paid into Court.
295. Attendance, examination and punishment of witnesses summoned by Commission.
296. Procedure *ex-parte* where parties do not appear.

Of Assessors.

297. In certain Courts, suits may be heard before Assessors.
298. Opinion of Assessors how to be recorded. Not to be binding on Judge.

Of the Oath of the Parties.

299. Power to decide suit on statement on oath.

Of Judgment and Decree.

300. When judgment to be pronounced. Judgment to be pronounced in open Court.
301. Judgment to be written in Judge's vernacular language. When Judge is acquainted with English.
302. Translation of judgment.
303. Judgment to be dated and signed.
304. Contents of judgments of Small Cause Courts. Of judgments of other Courts.
305. Court to state its decision on each issue. Exception.
306. Judgment to direct by whom costs are to be paid.
307. Costs may be set-off against sum admitted to be due.
308. Interest on costs. Costs may be charged on subject-matter of suit.
309. Date of decree.
310. Contents of decree.
311. Decree for recovery of portion of immovable property.
312. Memorandum of such decree to be sent to District Registrar.
313. Decree for delivery of movable property.
314. Circumstances in which specific performance may be enforced.
315. Decree in alternative for damages in suit for specific performance.
316. Damages when contract not specifically performed. Adequacy of consideration. Certainty required.
317. Decree in alternative for specific performance in suit for damages for breach of contract.
318. In suits for money, decree may order interest to be paid on principal sum adjudged.
319. Payment by instalments.
320. In suits for land, Court may decree payment of mesne profits with interest.
321. Court may determine amount of mesne profits prior to passing decree or may reserve enquiry.
322. If set-off be allowed. Effect of decree.
323. If decree be for a sum of money not exceeding 1,000 Rupees, Court may direct immediate execution.
324. Warrant against personal property may be general or special.

Section.

Certified copies of decree and judgment to be furnished.

CHAPTER V.

OF THE EXECUTION OF DECREES.

Decree for immovable property.
Decree for a specific movable.
328. Enforcement, by attachment or imprisonment, of decree for specific performance.
329. Payment of money ordered to be paid under Section 313, 315 or 316.
330. Enforcement of decree for money.
331. Enforcement of decree for money against a plaintiff.
332. Decree for execution of conveyances, or endorsement of negotiable instruments.
333. Form and effect of execution of conveyance, or endorsement by Court.
334. If decree be against Government or Officer on behalf of Government.
335. Decree against representative of deceased person for money to be paid out of deceased's property.
336. Decree against surety.
337. Property liable to attachment and sale in execution of decree.
338. Payment of monies under decree to be made into Court.
339. Adjustment of decree to be made through Court.

Application for Execution.

340. Application for execution.
341. Any one of several decree-holders may apply.
342. Application by transferee of decree.
343. Cross-decrees.
344. Stay of execution pending suit between decree-holder and judgment-debtor.
345. If person against whom decree made die before execution, application may be made against his representative or estate.
346. Notice of application to be given to representative.
347. Execution of decree against representative.
348. Form of application for execution of decree.
349. Further particulars when application is for attachment of immovable property.
350. In certain cases application to be accompanied by extract from Collector's Register.
351. Application for attachment of moveable property may be general, or may be accompanied with inventory of property to be attached.
352. Procedure on receiving application for execution of decree.
353. Procedure if particulars do not correspond with decree.
354. If application admitted, execution ordered.

Measures required in certain Cases preliminary to the Issue of the Warrant.

355. When notice to show cause why decree should not be executed shall be issued.
When such notice dispensed with.
356. Procedure after issue of notice.
357. On application for a general attachment of movable property security may be required.
358. Before granting order, Court may make enquiries as to the property to be attached.
359. Court may summon and examine other persons as to property liable to be seized.

Issue of the Warrant.

360. Warrant when to issue.
361. How to be dated, signed, &c.
362. Warrant for arrest to direct defendant to be brought up.
363. Latest day for return of warrant to be specified.
364. Endorsement on warrant.

Of the Execution of Decrees for immovable Property.

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365. Delivery of immovable property when in occupancy of defendant or of some person under him.
366. Delivery of immovable property when in occupancy of tenant.
367. Partition of estate or separation of share.
368. Procedure in case of obstruction to execution of decree for immovable property.
369. Procedure in case of obstruction by defendant or at his instigation.
370. Procedure when obstruction continues.
371. Procedure in case of obstruction by a *bonâ fide* claimant, other than defendant.
372. Procedure in case of person dispossessed of property disputing right of decree-holder to be put into possession.
373. Orders passed under Sections 371 and 372 to have the force of a decree, and to be subject to regular appeal.

Of the Execution of Decrees for Money by Attachment of Property.

374. Attachment of property in execution of decree for money.
375. Attachment of movable property in possession of defendant.
376. Attachment of movable property of defendant subject to lien.
377. Attachment of debts and shares.
378. Attachment of immovable property.
379. Prohibitory order in case of movable property not in defendant's possession.
380. And in case of immovable property.
381. Attachment of money or securities in deposit in a Court of justice or with a Government Officer.
Determination of question as to title or priority.
382. Attachment of negotiable instruments.
383. Notification of prohibitory order in case of debt.
384. And in case of shares in a Company or Corporation.
385. Private alienation of property after attachment to be void.
386. Payment by a debtor who has been prohibited from making payment to his creditor.
387. Court may direct money or bank-notes attached to be paid to party entitled.
388. Or that immovable or movable property attached be sold, and proceeds be so paid.
389. Court may postpone sale of land to enable defendant to raise amount of decree by mortgage, lease or private sale of a portion.
390. When property attached consists of debts or immovable property, manager may be appointed.
391. Remuneration, powers, and duties of manager.
392. When Court may authorize Collector to stay public sale of land.
Court may order security to be taken.
393. Special rules in force in any place, in respect to sales of land in execution of decrees for money, may be continued or altered by Local Government.
394. Order for withdrawal of attachment after satisfaction of decree.

Of Claims to attached Property.

395. Investigation of claims and objections to sale of attached property.
396. When Court to order release of property from attachment.
397. When Court to disallow claim to release of property attached.
398. Person against whom order is passed under Section 396 or 397 may sue within one year to establish his right.
399. Claims and objections to be made without delay.
400. If claim or objection be disallowed, claimant or objector may sue.

Of Sales in Execution of Decrees.

401. Sales by whom to be conducted and how made.
402. Saving as to negotiable securities and shares in public companies.

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403. Sale by Collector of lands paying revenue.
404. Proclamation of sales by public auction.
405. Mode of making proclamation.
406. Time of sale.
407. Process for attachment and sale may in certain cases be simultaneous or otherwise.
408. Payment for movable property sold.
409. If decree-holder purchase, amount of decree may be taken as payment.
410. Irregularity not to vitiate sale of movable property, but person injured may sue for damages.
411. Deposit by purchaser of immovable property. Time for payment in full.
412. Procedure in default of payment.
Defaulting purchaser answerable for loss by re-sale.
413. Co-sharer of share of an undivided estate sold in execution of decree may claim to take share at sale price.
Claim to be made before sunset of day of sale.
414. Notification on re-sale of immovable property.
415. Confirmation of sale.
416. Sale not to be set aside on ground of irregularity unless substantial injury proved.
417. Effect of objection being disallowed and of its being allowed.
418. If sale set aside, price to be returned to purchaser.
419. Certificate to be granted to purchaser of immovable property.
420. Certificate to state the name of actual purchaser. Benámí purchaser not recognized.
421. Delivery of movable property belonging to defendant actually seized.
422. Delivery of movable property to which defendant is entitled subject to lien.
423. Delivery of immovable property in the occupancy of defendant.
424. Delivery of immovable property in the occupancy of tenant.
425. Delivery of debts and of shares in public Companies.
426. Delivery of negotiable instruments of which actual seizure has been made.
427. Transfer of negotiable instruments and shares.
428. Defendant resisting or obstructing purchaser in obtaining possession of immovable property.
429. Obstruction by claimant other than defendant.
430. Attaching creditor to be first paid out of proceeds of property sold.
431. Surplus to be rateably distributed among decree-holders who have taken out execution prior to order for distribution.
Proviso where property is sold subject to a mortgage.
432. Court may order proceeds of property attached under a decree obtained fraudulently, to be paid in satisfaction of another decree.

Of Arrest in Execution of Decrees for Money.

433. Grounds of application for discharge.
434. Form of application.
Verification of application.
435. Procedure on application for discharge by a person arrested in execution of a decree for money.
436. Pending enquiry, defendant may be left in custody or released on good security.
437. Defendant liable to be again arrested for fraudulent concealment of property, &c.

Of the Execution of Decrees by Imprisonment.

438. Place of defendant's imprisonment.
439. Defendant's subsistence-money.
440. Court may vary allowance in case of illness or for other special cause.
441. Subsistence-money to be added to amount of decree.
442. Release of defendant.
443. Imprisonment not to exceed two years.
Or six months if sum decreed do not exceed 500 rupees.
Or three months if not exceeding 50 rupees.
444. Application for discharge.
445. Contents of application.
Verification of application.

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446. Procedure on such application.
447. In what case defendant to be discharged.
448. If fraud or concealment proved, debtor's imprisonment may be extended to two years.
And he may be further dealt with criminally.
449. Though defendant discharged, his property liable for the decree.
450. When Court may declare defendant absolved from further liability.
451. Determination of questions regarding amount of mesne profits and interest and sums paid in satisfaction of decrees.

Of Payment of the Amount of Decrees for Money by Instalments.

452. Court may order payment by instalments.

Of Service of Process in Military Cantonments.

453. Service of process in Cantonments, Garrisons and Military Stations.

Of Execution of a Decree beyond the local Limits of the Jurisdiction of the Court by which it was passed.

454. Decree of one Court may be executed within the jurisdiction of another Court.
Proviso as to Small Cause Courts.
455. Application for such execution.
456. Copy of decree and order for execution to be sent.
457. Court receiving copies of decree, &c., to file same without proof.
458. Transmitted copy of decree or order to have same effect as decree of Court to which it is sent for execution.
459. Enforcement of execution by Court applied to.
460. Execution by High Court of decree transmitted by other Court.
Proviso as to Small Cause Courts.
461. Power of Court applied to by decree-holder in executing decree.
462. Wrongful acts or irregularities in executing decree to be punished by Court applied to.
463. Court applied to may in certain cases stay execution, &c.
464. Before making any order under last Section, Court may require security from, or impose conditions upon, defendant.
465. Order of Court passing decree or of Appellate Court to be binding upon Court applied to.
466. Liability of defendant discharged, to be retaken.
467. Appeal from orders for execution of decrees of other Courts.

Of the Enforcement of registered Bonds.

468. Enforcement without suit, of bonds registered under Act XVI of 1864.
Proviso.
469. But application for enforcement must be made within a period fixed.
470. Court to which application may be made for enforcing bonds.
471. Application to be treated as for execution of a decree.
472. Procedure of Court on receipt of application.
473. Attachment may issue against debtor about to quit jurisdiction, or to move property therefrom.
474. Chapter IV applicable to attachments applied for.
475. Compensation to person against whom claim is made, if arrest or attachment of property be applied for on insufficient grounds.
Limit to compensation.
476. Award of compensation to bar suit for damages.
477. Procedure when person against whom execution is claimed appears and shows cause against issue of execution.
478. Pleas in bar of execution.
479. Court may direct institution of suit, instead of enforcing bond under Section 468.
480. Effect of Court refusing to enforce bond under Section 468 or 469.
481. Foregoing provisions not to bar suit by obligee.
482. Attendance, examination and punishment of witnesses.

CHAPTER VI.

Of Pauper Suits.

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AMENDED BILL.

A Bill for consolidating and amending the Laws relating to the Procedure of the Courts of Civil Judicature in British India.

Preamble.

Whereas it is expedient to consolidate and amend the laws relating to the Procedure of the Courts of Civil Judicature in British India; It is enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act shall be cited as "The Code of Civil Procedure."

Interpretation Clause.

2. In this Code, unless there be something repugnant in the subject or context—

Number.

Words importing the singular number include the plural, and words importing the plural number include the singular.

Gender.

Words importing the masculine gender include females.

"Person."

"Person" includes any Company or Association or body of persons, whether incorporated or not.

"Chapter" and "Section."

"Chapter" and "Section" respectively mean a Chapter and Section of this Code.

"Law."

"Law" means any law or rule having the force of law for the time being in operation.

"British India."

"British India" denotes the Territories which are or may become vested in Her Majesty or her successors by the Statute 21 and 22 Vic., cap. 106, entitled "An Act for the better government of India."

"Court."

"Court" denotes any Judge acting judicially alone, and any body of Judges acting judicially as a body, lawfully exercising jurisdiction in Civil cases.

"District." "District Court."

"District" means the local limits of the jurisdiction of a principal Civil Court of original jurisdiction, and includes the local limits of the ordinary original Civil jurisdiction of a High Court.

"Subordinate Court."

"Subordinate Court" means any Court subordinate to a High Court.

"District Court."

"District Court" means the principal Civil Court of original jurisdiction in a District.

"Judge."

"Judge" denotes the presiding Judicial Officer in a Court of Civil Judicature, and includes an acting Judge.

"Collector."

"Collector" denotes every Officer performing the duties of Collector of Land Revenue.

"Advocate."

"Advocate" includes every person having by law the right to appear and plead, or appear, plead and act in any suit, appeal or miscellaneous proceeding.

"Proper Officer."

"Proper Officer" means the person whose duty it is by law or any rule made by a High Court to attend to the particular matter indicated.

"Defendant."

"Defendant" includes every person against whom a decree or order is passed or who is liable under a decree or order.

"Process."

"Process" includes all summonses, notices, proclamations, warrants, writs and letters issued or sent under any of the provisions of this Code.

"Suit."

"Suit" means a suit instituted by a plaint under Section 53, up to and including the decree of the Court of first instance.

"Miscellaneous case."

"Miscellaneous case" means any Civil case or proceeding not being a suit, and includes the proceeding in the execution of a decree.

"Regular Appeal."

"Regular Appeal" means an appeal from a decree passed in a suit, or from an order in a suit from which a regular appeal is allowed.

"Special Appeal."

"Special Appeal" means an appeal from a decree passed or made in regular appeal.

"Appeal."

"Appeal" means an appeal from an order passed in a suit from which an appeal is allowed, or from an order passed in a miscellaneous case.

"Judgment."

"Judgment" denotes the grounds on which an order or decision is founded.

"Decree."

"Decree" means the order or decision by which a suit or regular or special appeal is determined so far as concerns the Court which passes the order or decision, and includes the judgment upon which the order or decision is founded. An order on regular or special appeal, remanding a suit for re-trial, is not within this definition.

"Costs."

"Costs" denotes the costs of all regular and necessary proceedings of either party in the suit, and includes such incidental costs as are or are directed to be costs in the suit. The costs of all interlocutory proceedings, unless the Court otherwise direct, are costs in the suit within this definition.

"Immovable Property."

"Immovable Property" includes land, incorporeal tenements, and things attached to the earth or permanently fastened to any thing which is attached to the earth.

"Movable Property."

"Movable Property" means property of every description except immovable property.

"Bond."

"Bond" includes any written obligation for the payment of money.

"Document."

"Document" denotes any matter expressed or described upon any substance by means of letters, figures or marks or by more than one of those means, in-

tended to be used, or which may be used, in evidence of that matter.

"Jail." "Jail" means the Civil Jail of the District, or any place appointed by the Local Government for the confinement of persons under Civil process.

"Year." "Month." "Year" and "Month" respectively denote a year and month reckoned according to the British Calendar.

"Government." In any part of British India in which this Code operates, "Government" includes the Government of India as well as the Local Government of such part.

"Local Government." "Local Government" means the person authorized to administer the executive government in such part, or the chief executive Officer of such part when it is under the immediate administration of the Governor-General of India in Council, and when such Officer shall be authorized to exercise the powers vested by this Code in a Local Government.

"High Court." "High Court" denotes the highest Civil Court of Appeal in such part. (S. C. C. & R. C.)

Sections of the Code extending to Small Cause Courts. **3.** The Sections having the letters S. C. C. affixed to them in a parenthesis, extend (so far as they apply or are applicable) to Courts of Small Causes. The other Sections do not extend to such Courts. The Sections having the letters "R. C." affixed to them in a parenthesis, extend (so far as they apply or are applicable) to Revenue Courts required by any law to regulate their proceedings by this Code. The other Sections do not extend to such Courts.

Sections of Code extending to Revenue Courts.

Enactments and rules repealed. **4.** The enactments described in Schedule A annexed to this Code, and all rules relating to Civil Procedure and having the force of law in any part of British India to which this Code extends, are hereby repealed, except so far as they repeal any other enactment or rule. (S. C. C. & R. C.)

CHAPTER II.

Of the Jurisdiction of the Courts.

Courts to try all Civil suits unless specially barred. **5.** The Courts shall try all suits of a Civil nature excepting suits of which their cognizance is barred by law. (S. C. C. & R. C.)

Court not to try suit in which matter at issue has been heard and determined between same parties. **6.** The Courts shall not try any suit in which the matter in issue shall have been heard and determined by a Court of competent jurisdiction in a former suit between the same parties, or between parties under whom they or any of them claim; nor any suit in which such matter is also in issue in another suit between the same parties, or between parties under whom they or any of them claim, pending in the same or any other Court. (S. C. C. & R. C.)

Appeals, revisions and new trials to be according to rules of Code. **7.** The decrees and orders of the Courts shall not be open to appeal or revision, nor shall a new trial be granted, otherwise than under the rules contained in this Code or any other law. (S. C. C. & R. C.)

No person exempt from jurisdiction by reason of descent or place of birth. **8.** No person shall, by reason of his descent or place of birth, be in any Civil proceeding exempted from the jurisdiction of any of the Courts. (S. C. C. & R. C.)

Persons entitled to sue. **9.** Every person shall be entitled to sue except persons expressly prohibited from suing by any law. An Executor or Administrator, a trustee of an express trust, a guardian or next friend of an infant, or the next friend of a lunatic or idiot, may, with the permission of the Court, sue without joining with him the person for whose benefit the suit is brought. (S. C. C. & R. C.)

Jurisdiction of Courts. **10.** Subject to the pecuniary or other limitations prescribed by any law, the Courts of each grade shall try all suits cognizable by them, if in the case of suits for immovable property the property be situate, and if, in all other cases, the cause of action shall have arisen, or the defendant at the time of the commencement of the suit shall dwell, or carry on business, or personally work for gain, within the local limits of the jurisdiction of the Court.

Explanations.—(*a*) The cause of action may be deemed to have arisen where a contract was made, or where it was to be fulfilled, or where any material act in connection therewith was to be done.

(*b*) Where a person has a permanent dwelling at one place and also a lodging at another place for a temporary purpose only, he shall be deemed to dwell at both places in respect of any cause of action arising at the place where he has such temporary lodging.

(*c*) A Corporation or Company shall be deemed to carry on business at its sole or principal Office, or at any place where it has also a subordinate Office in respect of any cause of action arising at such place.

(*d*) The business contemplated in this Section must be carried on at some fixed place for at least a certain time. (S. C. C.)

Suits against Government. **11.** Suits against the Local Government, or the Government of India, not being suits for immovable property, shall be brought in the Court having jurisdiction at the place which is the seat of such Government and competent in respect of the amount or value of the subject of the suit to try the same. (S. C. C.)

Suits against Secretary of State. **12.** Suits against the Secretary of State, not being suits for immovable property, shall be brought in the Court having jurisdiction at the place which is the seat of the Local Government for the Territories in which the cause of action arose, and competent in respect of the amount or value of the subject of the suit to try the same. (S. C. C.)

13. Every suit shall be instituted in the Court of the lowest grade competent to try it where no option as to the selection of the Court is allowed by this Code or any other law. (S. C. C. & R. C.)

Court in which suit to be instituted.

14. The District Court may withdraw any suit instituted in any Court subordinate to such District Court, and try the suit itself, or transfer it for trial to any other such subordinate Court competent in respect of the amount or value of the subject of the suit to try the same.

Transfer of suits.

15. The High Court may order that the cognizance of any suit or appeal instituted in any subordinate Court other than a Court of Small Causes, shall be transferred to any other subordinate Court, not being a Court of Small Causes, competent in respect of the amount or value of the subject of the suit or appeal to try the same.

High Court may transfer suits and appeals.

16. Every suit shall include the whole of the claim arising out of the cause of action; but a plaintiff may relinquish any portion of his claim in order to bring the suit within the jurisdiction of any Court. If a plaintiff relinquish or omit to sue for any portion of his claim, a suit for the portion so relinquished or omitted shall not afterwards be entertained. (S. C. C. & R. C.)

Suit to include the whole claim.

Relinquishment of part of claim.

17. Two or more claims founded on distinct causes of action by and against the same parties, and cognizable by the same Court, may be joined in the same suit, provided that in respect of the amount or value of the subject-matter in suit, the entire claim does not exceed the jurisdiction of the Court, and, where a stamp is required, is covered by the stamp on which the plaint is written. (S. C. C. & R. C.)

Joinder of several claims in the same suit

18. If two or more claims founded on distinct causes of action be joined in one suit, and the Court shall be of opinion that they cannot conveniently be tried together, the Court may, at any stage of the suit, order such claims, or any of them, to be tried separately on the record as made up. (S. C. C. & R. C.)

Court may in certain cases order separate trials of such claims.

19. A claim for immovable property and a claim for the mesne profits of such property may be deemed to be founded on distinct causes of action within the meaning of the last two preceding Sections.

Claims for immovable property and for mesne profits may be deemed to be founded on distinct causes of action.

20. If the suit be for immovable property situate within the limits of a single District, but within the jurisdiction of different Courts, the suit may be brought in the Court within whose jurisdiction any portion of the property is situate, provided that, in respect of the value of the property in suit, the entire claim be cognizable by such Court. In such case the Court in which the suit is brought shall apply to the District Court for authority to proceed with the same, and the District Court, after hearing the objections, if any, of the defendant, may grant such authority.

Suits for immovable property situate in single District, but within jurisdictions of different Courts.

21. If the immovable property be situate within the limits of different Districts, the suit may be brought in any Court, otherwise competent to try it, within whose jurisdiction any portion of the property is situate. In such case the Court in which the suit is brought shall apply to the High Court for authority to proceed with the same. If the suit is brought in any Court subordinate to a District Court, the application shall be submitted through the District Court to which such Court is subordinate. The High Court after hearing the objections, if any, of the defendant, may grant such authority.

Suits for immovable property situate in different Districts.

22. If the Districts within the limits of which the immovable property is situate, are subject to different High Courts, the application shall be submitted to the High Court to which the District in which the suit is brought is subordinate; and such High Court may, after hearing the objections, if any, of the defendant, give authority to proceed with the suit.

Suits for immovable property situate in Districts subject to different High Courts.

23. If in a suit for immovable property situate on the border of the local limits of the jurisdiction of the Court, the defendant object to the hearing of the suit on the ground that the property is not situate within such limits, the Court shall have power to determine the point; and if the Court shall find that the property is situate within such limits, it shall proceed to try the suit.

Suit for immovable property situate on border of local jurisdiction of the Court and alleged by defendant to be within another local jurisdiction.

24. If a contract shall have been entered into which involves for its performance separate or successive acts, a suit may be brought to enforce the performance of any one or more of such acts, without waiting for the time when the whole of the acts required to be performed under the contract ought to have been performed; and the Court may order the defendant specifically to perform any one or more of such acts without ordering him specifically to perform the entire contract, imposing such terms, if any, upon the plaintiff as shall seem to the Court to be just. (S. C. C.)

Suit for specific performance of one act in case of contract to perform separate or successive acts.

25. The Court shall not decree the specific performance of any contract the complete performance of which is necessarily extended over a longer period than five years. This rule shall not apply to any contract which shall have been entered into before the passing of this Act: Provided that the Court shall not decree the specific performance of any such contract for a longer period than five years from the date of the decree. (S. C. C.)

Specific performance of contract requiring for complete performance more than 5 years—when made after Act.

Of similar contract when made before Act.

26. No suit shall be open to objection on the ground that a merely declaratory decree or order is sought thereby; and it shall be lawful

Declaratory suit.

for the Courts to make binding declarations of right, whether present or future, without granting consequential relief: Provided that no Court shall make any such decree or order unless it could, if required, act upon it by giving consequential relief. A trustee may institute a suit to obtain a declaration of the respective rights of the persons interested in the trust estate.

CHAPTER III.

General Rules.

Appearances, acts and applications may be in person, by recognized agent or by Advocate.

27. Any appearance, act or application in or to any Court, made or done by a party to a suit in such Court, may, except when otherwise expressly provided by this Code, be made or done by the party in person or by his recognized agent, or by an Advocate duly appointed to act on his behalf: Provided that any such appearance shall be made by the party in person if the Court shall so direct. (S C. C. & R. C.)

Each of several plaintiffs or defendants may authorize any other to appear, plead and act for him.

28. When there are more plaintiffs than one, any one or more of them may be authorized to appear, plead and act for any other of them: and in like manner when there are more defendants than one, any one or more of them may be authorized to appear, plead and act for any other of them: Provided that the authority shall be in writing signed by the parties giving it, and shall be filed in Court. (S. C. C. & R. C.)

Authority to be in writing signed and filed.

Recognized agents.

29. The recognized agents of parties by whom such appearances, acts and applications may be made or done are—

Persons holding powers of attorney from parties out of jurisdiction.

1st—Persons holding general powers of attorney from parties not within the jurisdiction of the District Court within the limits of which the appearance or application is made, authorizing them to make and do such appearances, acts and applications on behalf of such parties.

Persons carrying on trade or business for parties out of jurisdiction.

2ndly.—Persons carrying on trade or business for and in the names of parties not within the jurisdiction of the District Court within the limits of which the appearance, act or application is made or done in matters connected with such trade or business only, where no other agent is expressly authorized to make and do such appearances, acts and applications.

Persons authorized to act for Government.

3rdly.—Persons being *ex-officio* or otherwise authorized to act for Government in respect of any judicial proceeding.

Persons specially appointed by Government to prosecute or defend a suit for a Prince or Chief.

4thly.—Persons specially appointed by an order of Government, at the request of any Sovereign Prince or independent Chief, whether residing within or without British India, to prosecute or defend a suit on his behalf.

Persons specially authorized by infirm persons to appear sue or defend.

5thly.—Persons holding special powers of attorney from parties who by reason of bodily infirmity are unable without risk or serious inconvenience to attend the Court in person, authorizing them to appear, sue, or defend in a particular suit.

Persons specially authorized to act for women exempt from appearing.

6thly.—Persons holding special powers of attorney from women exempt under Section 41 from appearing in Court authorizing them to appear, sue or defend in a particular suit. (S. C. C. &R. C.)

Service of process on recognized agent.

30. Processes served on a recognized agent relative to a suit shall be as effectual for all purposes in relation to the suit as if the same had been given to or served on the party in person, unless the Court shall otherwise direct. The provisions of this Code relative to the service of process on a party to a suit shall be applicable to the service of process on such recognized agent. (S. C. C. & R. C.)

Appointment of Advocate.

31. The appointment of an Advocate to make or do any appearance, act or application as aforesaid shall be in writing under the hand of the client and shall be filed in Court. When so filed, it shall be considered to be in full force until revoked by a writing filed in Court, or until the Advocate dies or the suit is determined. (S. C. C. & R. C.)

Service of process on Advocate.

32. Processes served on the Advocate of any party or left at the office or ordinary residence of such Advocate, relative to a suit, and whether the same be for the personal appearance of the party or not, shall be presumed to be duly communicated and made known to the party whom the Advocate represents; and, unless the Court shall otherwise direct, shall be as effectual for all purposes in relation to the suit as if the same had been given to or served on the party in person. (S. C. C. & R. C.)

Service of process on a party who has not appointed an Advocate to act for him.

33. In all cases in which a party to a suit has not appointed an Advocate to act for him, all processes shall be served upon such party in the manner hereinafter provided for the service of a summons upon a defendant to appear and answer. (S. C. C. & R. C.)

Agent to receive process

His appointment to be in writing and to be filed in Court.

34. Besides the recognized agents described in Section 29, any person residing within the jurisdiction of the Court may be appointed an agent to receive processes. The appointment of such agent shall be in writing, signed by the principal, and the original appointment, or a copy thereof if the appointment be a general one, shall be filed in Court. (S. C. C. & R. C.)

Agent of Government to receive process.

35. The person appointed to act as Advocate on the part of Government in any Court, shall be accounted the agent of the Government for the purpose of receiving processes against the Government or the Secretary of State for India, issuing out of the Court in which such person may be the Advocate of Government. (S. C. C. & R. C.

If there be no Government Advocate specially appointed.

36. The person appointed to act as Advocate on the part of Government in any District Court shall, for the purpose of the last preceding Section, be considered the Advocate of Government in any Court in such District in which no person shall have been specially appointed Advocate on the part of Government in such Court. Processes issued by a Court to the Government Advocate of another Court may be forwarded to him by post. (S. C. C. & R. C.)

Officers or Soldiers who cannot obtain leave may authorize any person to sue or defend for them.

37. When any Officer or Soldier in the Military Service of the Government is a party to a suit, and cannot obtain leave of absence for the purpose of prosecuting or defending the suit in person, he may authorize any person to sue or defend in his stead. The authority shall be in writing and shall be signed by the Officer or Soldier in the presence of his Commanding Officer or of the next subordinate Officer, if the party be himself the Commanding Officer. Such Commanding or other Officer shall countersign the authority, which shall be filed in Court. When so filed, the countersignature of the Commanding Officer or of the next subordinate Officer, as the case may be, shall be sufficient proof that the authority was duly executed, and that the Officer or Soldier by whom it was granted could not obtain leave of absence for the purpose of prosecuting or defending the suit in person. (S. C. C. & R. C.)

The person so authorized may act personally or appoint an Advocate.

38. Any person who shall be authorized by an Officer or Soldier to prosecute or defend a suit in his stead, shall be competent to prosecute or defend it in person in the same manner as the Officer or Soldier could do if present; or he may appoint an Advocate to prosecute or defend the suit on behalf of such Officer or Soldier. (S. C. C. & R. C.)

Service on person so authorized, or on his Advocate, to be good service.

39. Processes served upon any person who shall have been authorized by an Officer or Soldier, as in the last preceding Section mentioned, or upon any Advocate who shall be appointed as aforesaid by such person to act for or on behalf of such Officer or Soldier, shall be as effectual for all purposes relative to the suit as if the same had been served on the party in person or on an Advocate appointed by him. (S. C. C. & R. C.)

Suits by and against infants.

40. An infant shall sue by guardian or next friend, who shall be admitted and may be removed by the Court and shall be liable for the costs of the suit. An infant shall be sued by guardian who shall be admitted and may be removed by the Court.

EXEMPTION FROM PERSONAL APPEARANCE.

Exemption of certain women from personal appearance.

41. Women, who according to the customs and manners of the country ought not to be compelled to appear in public, shall be exempt from personal appearance in Court. (S. C. C. & R. C.)

Local Government may exempt certain persons from personal appearance.

42. The local Government may, at its discretion, exempt from personal appearance in Court any person whose rank, in the opinion of such Government, entitles him to the privilege of exemption, and may at its discretion withdraw such privilege. (S. C. C. & R. C.)

List of names of persons exempted to be kept in the District Court.

43. The names of the persons exempted under the last preceding Section from personal appearance in Court, residing within the jurisdiction of the District Court, shall from time to time be forwarded to such Court by the local Government, and a list of such persons shall be kept in such Court and in the several subordinate Courts of the District. (S. C. C. & R. C.)

SERVICE OF PROCESS.

Proof of due service and delivery of process sent by post.

44. Wherever this Code provides that any notice, summons, letter or other communication may be sent to the person to whom it is addressed by post, proof that the same was correctly addressed to such person at his place of residence, and that it was posted and registered according to any law for the management of the Post Office shall, in the absence of evidence to the contrary, be sufficient proof of the due service and delivery of the notice, summons, letter or other communication. (S. C. C. & R. C.)

Process to be served at expense of party issuing it.

45. Every process required to be issued under this Code, shall be served at the expense of the party at whose instance it is issued, unless the Court shall otherwise direct. The sum required to defray the costs of such service shall be paid into Court before the process is issued, within a period to be fixed by the Court issuing the process. Postage, where chargeable on any notice, summons, letter or other communication forwarded by post and the fee for registering the same shall be costs required to be paid as aforesaid within the meaning of this Section. In fixing the costs to be paid for service of process, regard shall be had to any law or to any rules issued by the High Court for fixing the amount of such costs. (S. C. C. & R. C.)

Costs of service of process.

Payment of cost of summons.

46. Whenever any person not a party to the suit, shall be summoned to give evidence or to produce any document in a suit otherwise than on the application of a party to the suit, the cost of summoning such person, including his travelling and other expenses, if not deposited by any party to the suit, shall (if the Court shall so direct) be paid by the Collector of the District, and shall be costs in the suit, and shall be paid out of any money recovered on account of costs in the suit, whether at the instance of the Government or of any of the parties to the suit, before any other costs in the suit are paid. (S. C. C. & R. C.)

47. Whenever any process issued by any Court established beyond the local limits of the ordinary original Civil jurisdiction of a High Court is to be served within the local limits of such Court, it shall be delivered to the Court of Small Causes within whose jurisdiction the process is to be served, or to any Court other than the High Court which may now exist or which may hereafter be established with jurisdiction within the same local limits, and shall be executed by such Court of Small Causes or other Court in the same manner as if such process had been issued by such Court of Small Causes or other Court, and, after having been so executed, shall be returned to the Court by which it was issued. The delivery of the process to the Court required to execute the same, and its return to the Court by which the process was issued, may be by an Officer of the Court which issued the process, or by post.

Service within limits of local jurisdiction of High Courts, of process issued by Courts without those limits.

48. The examination of the parties to a suit or other proceeding when authorized under this Code, and the evidence of witnesses or other persons shall be upon oath or affirmation or otherwise according to the provisions of any law for the examination of witnesses. (S. C. C. & R. C.)

Examinations to be on oath or affirmation.

49. The Court may, if it see sufficient cause, direct any written document produced in Court in any suit to be impounded and kept in the custody of an Officer of the Court, for such period and subject to such conditions as to the Court shall seem fit. (S. C. C. & R. C.)

Court may order any document to be impounded.

50. When security is required to be furnished by any person, the Court may permit such person to deposit a sum of money, Government Promissory Notes, or other valuable property to such amount as the Court may fix, in lieu of the security. required (S. C. C. & R. C.)

When security is required, a deposit may be made instead.

51. If any plaint, written statement, or declaration in writing required by this Code to be verified shall contain any averment which the person making the verification shall know or believe to be false, or shall not know or believe to be true, such person shall be subject to punishment according to the provisions of the law for the punishment of giving or fabricating false evidence. (S. C. C. & R. C.)

Punishment for verifying false plaint, statement or declaration.

52. At the time of disposing of any application made under any provision of this Code, the Court may award to either party the costs of such application, or may reserve the consideration of such costs for any future stage of the proceedings.

On disposal of applications, Court may either award costs or reserve their consideration.

CHAPTER IV.

OF A SUIT TILL DECREE.

Of the Institution of Suits.

53. Every suit shall be commenced by a plaint which shall contain the following particulars:—

Suits to be commenced by plaint containing certain particulars.

1.—The name, description, and place of abode of the plaintiff.

2.—The name, description, and place of abode of the defendant, so far as they can be ascertained.

3.—The relief sought for, the subject of the claim, the cause of action, and where and when it accrued; and, if the cause of action accrued beyond the period ordinarily allowed by any law for commencing such a suit, the ground upon which exemption from the law is claimed.

The following are instances:—

If the suit be for money due on a bond:—Payment of Rupees
due on a bond for the sum of Rupees
bearing date the day of 186
and payable on the day of 186
namely,—

Principal ... ... Rupees
Interest at the rate of
per cent. ... ... Rupees
Amount paid (if any) ... Rupees

Balance due ... Rupees

If the suit be for the amount due on a bill of exchange drawn by the plaintiff and accepted by the defendant,—

Payment of Rupees being the amount of a bill of exchange for the sum of Rupees now overdue, drawn by the plaintiff on the day of 186 and accepted by the defendant, with interest thereon at per cent. till payment.

If the suit be for the price of goods sold:—

Payment of Rupees on account of maunds of *(rice, indigo, sugar, or as the case may be)* sold on the day of , and the price of which became payable on the day of as per account at foot.

If the suit be for money due on an account:—

Payment of Rupees due [*or* being the balance due] to the plaintiff on the following account.

To [*here state the debit side of the account*] ... ... Rupees
Cr.
By [*here state the credit side in respect of payments and set-off, if any*] Rupees

Balance due ... Rupees

If the suit be for money payable for work done and materials provided:—

Payment of Rupees for [builder's, carpenter's, joiner's, plasterer's, or mason's, *or as the case may be*] work done at the premises in and for materials thereon provided between the of 186 and the of 186 .

If the suit be for damages for any injury done :—
Payment of Rupees on account of injury done to the plaintiff.

[*Here set out the nature of the injury, and the time at which it was inflicted, and state the particulars of the pecuniary loss (if any)*].

If the plaintiff claim exemption from any law of limitation, say—"The plaintiff was an infant (*or as the case may be*) from the day of 186 to the day of .

4.—When the claim is for any property other than money, its value estimated according to law .

The following is an instance :—

If the suit be for an estate or for a share in an estate paying revenue to Government :—Possession of the estate (*or* of share in the estate) called , situate in the District of , the Government Revenue assessed on which is Rupees (*or* the estimated value of which is Rupees ,) of which the plaintiff was dispossessed (*or forcibly or fraudulently dispossessed, if the case be so*), on the day of 186 ; (*or* to which plaintiff became entitled by inheritance from *or*, by gift, purchase; *or otherwise, as the case may be*), on or about the day of 186 .

5.—When the claim is for land or for any interest in land, the nature of the tenure or interest shall be specified; and if the claim be for land forming part of a village or other known division, or for a house, garden, or the like, its situation shall be described by the setting forth of boundaries, or in such other manner as may suffice for its identification.

6.—In suits by or against the Secretary of State for India, or the Government, or one of its Officers in his official capacity, or any Corporation or Company authorized to sue and be sued in the name of an Officer or of a Trustee, the words "The Secretary of State for India," "The Government," or "The Collector of ;" (*or otherwise as the case may be*), or the name of the Corporation, or the name of the Officer or Trustee of the Company shall be inserted in Nos. 1 and 2 instead of the name and description of the plaintiff or defendant. But in every other suit it shall be necessary to specify the names of all the parties. (S. C. C. & R. C.)

Plaint to be subscribed and verified.

54. The plaint shall be subscribed by the plaintiff and his Advocate (if any), and shall be verified at the foot by the plaintiff in the manner following, or to the like effect :—

I (A. B.) the plaintiff named in the above plaint do declare that what is stated therein is true to the best of my information and belief. (S. C. C. & R. C.)

In case of plaintiff's inability to subscribe and verify the plaint.

55. If the plaintiff, by reason of absence or for other good cause, be unable to subscribe and verify the plaint, the Court may allow the plaint to be subscribed and verified on his behalf by any person whom the Court may consider competent to make the verification. (S. C. C. & R. C.)

In suits by Government or Secretary of State.

56. In suits by the Government or the Secretary of State for India, it shall be sufficient if the plaint be subscribed and verified by the Government Advocate of the Court in which the suit is brought, or, where there is no such Advocate, by the Advocate by whom the plaint is filed. (S. C. C. & R. C.)

In suits by a Corporation or Company.

57. In suits by a Corporation or a Company authorized to sue and be sued in the name of an Officer or of a Trustee, the plaint may be subscribed and verified on behalf of the Corporation or Company by any Director, Secretary, or other principal Officer of the Corporation or Company who is able to depose to the facts of the case. (S. C. C. & R. C.)

Cases in which the plaint may be rejected or amended.

58. The plaint may, at the discretion of the Court, and at any time before the decree is passed, be rejected, returned for amendment within a time to be fixed by the Court, or amended then and there, upon such terms as to the payment of costs occasioned by the amendment as the Court shall think fit—

(1.) If it do not state correctly and without prolixity the several particulars hereinbefore required to be specified therein :

(2.) If it contain any particulars other than those so required :

(3.) If it be not subscribed and verified as hereinbefore required :

(4.) If it do not disclose a cause of action; or

(5.) If the cause of action appear from the statement in the plaint to be barred by lapse of time. (S. C. C. & R. C.)

Cases in which the plaint shall be returned to be presented in the proper Court.

59. The plaint shall be returned to be presented to the proper Court in the following cases :—

(1.) If a suit shall have been instituted in a Court whose grade is lower or higher than that of the Court competent to try it where such Court exists, or where no option as to the selection of the Court shall be allowed by law.

(2.) If in a suit relating to immovable property, it appear that no part of such property is situate within the local limits of the Court.

(3.) If in a suit relating to immovable property, it appear that such property has been adjudged by competent authority to be situate within the local limits of the jurisdiction of another Court.

(4.) If in any other case it appear that the cause of action did not arise and that none of the defendants are dwelling or carrying on business or personally working for gain within the local limits of the jurisdiction of the Court. (S. C. C. & R. C.)

Cases in which the plaint shall be rejected.

60. The plaint shall be rejected in the following cases :—

(1.) If the claim is undervalued and the plaintiff, on being required by the Court to correct the

valuation within a time to be fixed by the Court, shall fail to do so.

(2.) If the claim is properly valued, but the plaint is written upon paper insufficiently stamped, and the plaintiff, on being required by the Court to supply the requisite stamp paper, within a time to be fixed by the Court, shall fail to do so.

(3.) If in the case mentioned in Section 63, the plaintiff fail to furnish security for the payment of the costs that may be incurred by the defendants. (S. C. C. & R. C.)

Procedure where there are several defendants, some of whom dwell without the jurisdiction.

61. If in any suit there are more defendants than one, and at the date of the institution of the suit any of the defendants shall not dwell within the local limits of the jurisdiction of the Court in which the suit is brought, but one or more of the defendants shall dwell within such limits, the suit shall not be ejected as against the defendant or defendants so dwelling, by reason of any of the defendants not dwelling within the local limits of the jurisdiction of the Court. (S. C. C. & R. C.)

When rejection of plaint does not preclude presentation of fresh plaint.

62. The rejection of the plaint on any of the grounds hereinbefore mentioned shall not preclude the plaintiff from presenting a fresh plaint in respect of the same cause of action, if not barred by the law of limitations. (S. C. C. & R. C.)

When security for costs is to be furnished by plaintiff at the time of presenting the plaint.

63. When the plaintiff ordinarily dwells out of British India, and does not possess any sufficient immovable property within British India independent of the property in suit, he shall, on presenting the plaint or within such time as the Court shall order, furnish security for the payment of the costs that may be incurred by the defendant. (S. C. C.)

When security for costs may be required from the plaintiff at any stage of suit.

64. If at any subsequent stage of a suit it shall appear to the Court that a sole plaintiff is, or that all the plaintiffs (when there are more plaintiffs than one) are, residing out of British India, and such plaintiff or plaintiffs shall not possess any sufficient immovable property within British India independent of the property in suit, the Court may order the plaintiff or plaintiffs, within a time to be fixed by the order, to give security for the payment of all costs incurred and likely to be incurred by the defendant. In the event of such security not being furnished within the time so fixed, the Court shall pass a decree against the plaintiff or plaintiffs by default, unless he or they be permitted to withdraw from the suit under the provisions of Section 143.

Explanation.—A person is considered to be resident out of British India, within the meaning of the last two preceding Sections, who leaves British India for a purpose which is likely to keep him abroad for such a length of time that there is no reasonable probability that he will be forthcoming when he may be called upon to pay the costs incurred by the defendant in the suit. (S. C. C.)

Procedure in a suit for immovable property in different jurisdictions.

65. If the suit be for immovable property situate partly within the jurisdiction of the Court and partly within the jurisdiction of some other Court, the Court shall proceed according to the rules contained in Section 20, Section 21, or Section 22, as the case may be.

When the plaint is admissible, particulars to be entered in the Register.

66. If the Court consider the plaint admissible, the particulars mentioned in Section 53 shall be entered in a book to be kept for the purpose, and called the Register of Civil suits. The entries shall be numbered in every year according to the order in which the plaint is presented. The Register shall be kept in the form contained in the Schedule B annexed to this Code. (S. C. C. & R. C.)

Form of the Register.

Written document on which plaintiff sues, if in his own possession or power, to be produced when plaint is presented.

And copy filed with plaint.

67. If a plaintiff sue upon a written document in his own possession or power, he shall produce such document in Court when the plaint is presented, and shall at the same time deliver a copy of the document to be filed with the plaint. Such copy shall have the stamp prescribed for petitions where a stamp is required for petitions. The plaintiff may, if he think proper, deliver the original document to be filed instead of a copy. If he rely on any other documents as evidence in support of his claim, he shall enter a list of such documents at the foot of the plaint. (S. C. C. & R. C.)

If plaintiff wish, original may be filed instead of copy.

List of other documents at foot of plaint.

Shop-book, &c., to be produced.

68. If the document on which the plaintiff sues be an entry in a shop-book or other book, the plaintiff shall produce the book to the Court, together with a copy of the entry on which he relies. Such copy shall bear the stamp prescribed for petitions where a stamp is required for petitions. (S. C. C. & R. C.)

Original document to be marked and returned.

69. The Court shall forthwith mark the document for the purpose of identification; and after examining and comparing the copy with the original, shall return the document to the plaintiff. (S. C. C. & R. C.)

Document not produced when plaint filed inadmissible in evidence without leave of Court.

70. No document required to be produced in Court by the plaintiff when the plaint is presented, or to be entered at the foot of the plaint, and not produced or entered accordingly, shall be received in evidence on his behalf at the hearing of the suit without the sanction of the Court. (S. C. C. & R. C.)

Procedure to compel production of document in possession of defendant.

71. If the plaintiff require the production of any written document in the possession or power of the defendant, he may, at the time of presenting the plaint, deliver to the Court a description of the document, and apply that the defendant may be re-

quired to produce the same, and the Court shall have power to compel such production. (S. C. C. & R. C.)

OF SUMMONING THE DEFENDANT.

On plaint being registered, summons to issue to defendant to appear and answer on a specified day.

72. After the plaint has been registered, a summons, under the signature of the Judge or of the Registrar or Clerk of the Court, and under the seal of the Court, shall be issued to the defendant to appear and answer the claim, on a day to be therein specified, in person or by an Advocate duly instructed and able to answer all material questions relating to the suit, or by an Advocate who shall be accompanied by some other person able to answer all such questions. (S. C. C. & R. C.)

Court may order defendant or plaintiff to appear in person.

73. If the Court see reason to require the personal appearance of the defendant, the summons shall order him to appear in person in Court on the day therein specified. If the Court see reason to require the personal appearance of the plaintiff on the same day, it may make an order for such appearance. (S. C. C. & R. C.)

Court may order personal appearance of a Director, Secretary or Officer in suits against a Corporation or Company.

74. In suits by or against a Corporation or a Company authorized to sue and be sued in the name of an Officer or of a Trustee, the Court may require the personal appearance of any Director, Secretary, or other Principal Officer of the Corporation or Company who may be able to answer all material questions relating to the suit. (S. C. C. & R. C.)

No party to be ordered to appear in person unless resident within 50 miles.

Or within the local jurisdiction of the Court:

Or unless there be railway communication.

75. No plaintiff or defendant shall be ordered to appear in person, who at the time is *bonâ fide* residing at a distance of more than fifty miles from the place where the Court is held, unless he be resident within the local limits of the jurisdiction of the Court; or unless railway communication exist between the place where he resides and the place where the Court is held, or within a convenient distance from such places, in which case the Court shall have a discretion as to making such order. (S. C. C. & R. C.)

Summons to be either to settle the issues, or for final disposal.

76. The Court shall determine, at the time of issuing the summons, whether it shall be for the settlement of issues only, or for the final disposal of the suit, and the summons shall contain a direction accordingly.

In cases cognizable in Small Cause Courts, summons to be for final disposal.

77. In every suit cognizable under any law by Courts of Small Causes, the summons to the defendant shall be for the final disposal of the suit. (S. C. C. & R. C.)

Fixing day for appearance of defendant.

78. The day for the appearance of the defendant shall be fixed by the Court with reference to the place of residence of the defendant and the time necessary for the service of the summons; and the day shall be so fixed as to allow the defendant a sufficient time to enable him to appear and answer on such day. (S. C. C. & R. C.)

Summons to appear and answer shall order defendant to produce documents required by plaintiff or relied on by defendant.

79. The summons to appear and answer shall order the defendant to produce any written document in his possession or power, of which the plaintiff demands inspection, or upon which the defendant intends to rely in support of his case. (S. C. C. & R. C.)

On issue of summons for final disposal, parties to be directed to produce their witnesses.

80. When the summons is for the final disposal of the suit, it shall direct the defendant to produce on the day fixed for his appearance the witnesses upon whose evidence he intends to rely in support of his case. A similar direction shall be given to the plaintiff at the time of issuing the summons. (S. C. C. & R. C.)

Form of summons.

81. The summons shall be in the form contained in the Schedule C annexed to this Code, or to the like effect; and shall contain a demand of the costs incurred to the time of payment. (S. C. C. & R. C.)

SERVICE OF SUMMONS ON THE DEFENDANT.

Summons shall be served by Officer of Court.

82. The summons shall be delivered to the proper Officer of the Court, to be served by him or one of his subordinates. (S. C. C. & R. C.)

Mode of service.

83. Service of the summons shall be made by delivering or tendering a copy thereof under the signature of the Judge or of the Registrar or Clerk of the Court and under the seal of the Court. (S. C. C. & R. C.)

When there are several defendants.

84. When there are more defendants than one, service of the summons shall be made on each defendant: Provided that if the defendants are partners, and the suit relates to a partnership transaction, service on one defendant for himself and for the other defendants shall be sufficient, unless the Court shall otherwise direct. (S. C. C. & R. C.)

Service to be on defendant in person, when practicable, or on duly empowered agent.

85. Whenever it may be practicable, the service shall be on the defendant in person, unless he have an agent empowered to accept the service, in which case service on such agent shall be sufficient. (S. C. C. & R. C.)

Service on agent by whom defendant carries on business.

86. In a suit relating to any business or work for gain, service on the servant or agent of the person carrying on such business or work shall be deemed to be good service upon such person, although he

does not reside within the local limits of the jurisdiction of the Court from which the summons issues: Provided that such servant or agent at the time of service personally carries on the business or work for gain for such person within such limits. (S. C. C.)

If defendant cannot be found and has no agent, service may be made on a male member of his family.

87. If the defendant cannot be found and if he have no agent empowered to accept the service of the summons on his behalf, the service may be made on any adult male member of the family of the defendant who is residing with him.

Explanation.—A servant is not a member of the family within the meaning of this Section. (S. C. C. & R. C.)

Person served to endorse the summons.

88. When the summons is served on the defendant personally, or on an agent or other person on his behalf, the serving Officer shall require the signature of the person on whom the service shall be made, to an acknowledgment of service to be endorsed on the original summons or on a duplicate thereof signed and sealed as aforesaid. If such person refuse to sign the acknowledgment, the serving Officer may affix the copy of the summons on some conspicuous part of the house in which the defendant is dwelling, but the service of the summons shall be held sufficient if it be proved to the satisfaction of the Court, notwithstanding that a copy of the summons shall not have been so affixed. (S. C. C. & R. C.)

Service sufficient though copy not affixed.

If summons cannot be served, copy be fixed on house.

89. If the defendant cannot be found and there is no agent empowered to accept the service of the summons on his behalf, nor any other person on whom the service can be lawfully made, the serving Officer shall fix the copy of the summons on some conspicuous part of the house in which the defendant is dwelling. (S. C. C. & R. C.)

If defendant do not dwell in place mentioned, summons to be returned with endorsement of non-service.

90. If the defendant is not dwelling in the place mentioned in the summons, the serving Officer shall return the summons to the Court from which it issued, with an endorsement thereon that he has been unable to serve it: Provided that if the serving Officer is informed that the defendant is to be found or has his dwelling in a place within the local limits of the jurisdiction of the Court other than that mentioned in the summons, the Officer may proceed to that place to serve the summons, and may serve it there. (S. C. C. & R. C.)

Proviso.

Endorsement of time and manner of service.

91. The serving Officer shall, in all cases in which the summons has been served, endorse on the original summons or on a duplicate thereof signed and sealed as aforesaid, the time when and the manner in which the summons was served, and such endorsement shall be evidence of the service of the summons. (S. C. C. & R. C.)

When summons is returned unserved, Court to order substituted service if satisfied that defendant is avoiding service.

92. When a summons is returned without having been served, if the plaintiff shall satisfy the Court that there is reasonable ground for believing that the defendant is keeping out of the way for the purpose of avoiding the service, or if for any other reason the summons cannot be served, the Court shall order the summons to be served by affixing a copy thereof in some conspicuous place in the Court-house, and also upon some conspicuous part of the house in which the defendant shall have last resided, if it be known where he last resided; or that the summons shall be served in such other manner as the Court shall think proper. The service which shall be substituted by order of the Court, shall be as effectual as if it had been made in any of the modes hereinbefore mentioned. (S. C. C. & R. C.)

Service of summons when defendant resides within jurisdiction of another Court and has no agent to accept service.

93. If the defendant is resident within the jurisdiction of any Court other than the Court in which the suit is instituted, and has no agent empowered to accept the service of the summons, the Court in which the suit is instituted shall send the summons, either by an Officer of the Court or by post, to any Court, not being a High Court, having jurisdiction at the place where the defendant resides, by which it can be most conveniently served, and shall fix such time for the appearance of the defendant as the case may require. The Court to which the summons is sent shall, upon receipt thereof, deliver it to the proper Officer of such Court, to be served in the manner hereinbefore directed. Upon the return of the summons by the serving Officer, it shall be sent back to the Court from which it originally issued. (S. C. C. & R. C.)

Service of summons on defendant in Jail.

94. If the defendant be in Jail under either Civil or Criminal process, the summons shall be delivered to the Officer in charge of the Jail in which the defendant is confined, and such Officer shall cause the summons to be served upon the defendant. The summons shall be returned to the Officer from whom it was received with the acknowledgment of the defendant endorsed thereupon and countersigned by the Officer in charge of the Jail. (S. C. C. & R. C.)

Procedure if Jail be in a different District.

95. If the Jail in which the defendant is confined is not in the District in which the suit is brought, the summons may be sent by post or otherwise to the Officer in charge of such Jail, and such Officer shall cause the summons to be served upon the defendant, and shall return the summons to the Court from which it issued, with the acknowledgment of the defendant endorsed thereupon, and countersigned as provided in the last preceding Section. (S. C. C. & R. C.)

96. If the defendant is resident out of British India, and has no agent empowered to accept the service, the summons shall be addressed to the defendant at the place where he is residing and forwarded to him by post if there be a post to such place. (S. C. C.)

Service of summons when defendant resides out of British India and has no agent to accept service.

97. If there be a British Resident or Agent of Government in or for the Territory in which the defendant is residing, the summons may be sent to such Resident or Agent, by post or otherwise, for the purpose of being served upon the defendant; and if the Resident or Agent shall return the summons with his endorsement that the summons has been served on the defendant, such service shall be deemed good service. (S. C. C.)

Service through a British Resident or Agent of Government.

98. In any case falling within the last two preceding Sections, the time for the appearance of the defendant shall be regulated by the time which may be required for communication by post or otherwise between the place at which the Court is held and the place where the defendant resides; and if, on the day fixed for the hearing of the suit, or on any day to which the hearing shall have been adjourned, the defendant shall not appear, the plaintiff may apply to the Court, and the Court may direct that the plaintiff shall be at liberty to proceed with his suit in such manner and subject to such conditions as to the Court may seem meet. (S. C. C.)

Time for appearance under Section 96, or 97.

In case of non-appearance of defendant, Court may direct suit to proceed subject to conditions.

99. In a suit for immovable property, if the summons cannot be served on the defendant in person, and the defendant have no agent empowered to accept the service of the summons, it may be served on any agent of the defendant in charge of such property. (R. C.)

In suits for immovable property, service on agent in charge.

100. If the defendant be in the service of the Government, the Court may send a copy of the summons to the head Officer of the office in which the defendant is employed, for the purpose of being served on him, if it shall appear to the Court that the summons may be most conveniently so served. (S. C. C. & R. C.)

Service on Government servants.

101. If the defendant be an Officer or Soldier in the Military Service of the Government, the Court shall transmit a copy of the summons to the Commanding Officer of such Officer or Soldier for the purpose of being served on him. The Officer to whom the summons is transmitted, after causing the summons to be served on the person to whom it is addressed, if practicable, shall return it to the Court with the written acknowledgment of such person endorsed thereon. If from any cause the summons cannot be served upon the person to whom it is addressed, it shall be returned to the Court by which it was transmitted with information of the cause which has prevented the service. In such case the Court shall take such other means of serving the summons as it may think fit. (S. C. C. & R. C.)

Service on Officers and Soldiers.

102. When the suit is against a Corporation or a Company authorized to sue and be sued in the name of an Officer or of a Trustee, the summons may be served by leaving the same at the registered office (if any) of the Corporation or Company, or sending it by post in a letter addressed to such Officer or Trustee at the Office of the Corporation or Company, or by giving it to any Director, Secretary, or other principal Officer of the Corporation or Company. (S. C. C. & R. C.)

Service on a Corporation or Company.

103. Nothing herein contained shall prevent the Court from substituting for the summons a letter signed by the Judge or Registrar or Clerk of the Court, and under the seal of the Court, when the person whose appearance is required is of a rank which entitles him to such mark of consideration. The letter shall contain all the particulars required to be stated in the summons, and, subject to the provisions contained in the next succeeding Section, shall be treated in all respects as a summons. (S. C. C. & R. C.)

Substitution of letter for summons.

104. When a letter or other communication is substituted for a summons, it may be sent by post or by a special messenger selected by the Court, or in any other manner which the Court may direct: unless the party shall have an agent empowered to accept the service of the summons, in which case delivery to such agent shall be deemed good service. (S. C. C. and R. C.)

Mode of sending such letter.

Of Suits against Government and Public Officers.

105. If the suit be against the Secretary of State for India or against the Government, the summons shall be served on the Government Advocate of the Court in which the suit is instituted or on any other person appointed to receive process on behalf of the Government. (S. C. C. & R. C.)

Service on Government Advocate.

106. The Court, in fixing the day for the Secretary of State for India or the Government to answer to the plaint, shall allow a reasonable time for the necessary communication with the Government through the proper channels, and for the issue of instructions to the Government Advocate to appear and answer on behalf of the Secretary of State for India or the Government, and may extend the time at its discretion on application being made for such extension. The Court may also in any case in which the Government Advocate is not accompanied by some person on the part of the Secretary of State for India or the Government

Appearance and answer by Secretary of State or Government.

who may be able to answer any material questions relating to the suit, direct the attendance of such person. (S. C. C. & R. C.)

In suits against Government Officers for alleged official acts, summons to be served on them as provided in Section 100.

107. If the suit be against an Officer of the Government for an act which the plaintiff alleges to have been done by such Officer in his official capacity, the summons shall be served upon such Officer in the manner provided in Section 100. (S. C. C. & R. C.)

Court may grant extension of time to enable Officer to make a reference to Government.

108. If the Officer on receiving the summons shall consider it proper to make a reference to the Government before answering to the plaint, he may apply to the Court to grant such extension of the time fixed in the summons as may be necessary to enable him to make such reference and to receive orders thereon through the proper channel; and the Court upon such application may extend the time for so long as shall appear to be requisite. (S. C. C. & R. C.)

If Government undertake defence, Government Advocate to appear and apply that note of his appearance be entered in Register.

109. If the Government undertake the defence of a suit of the nature referred to in Section 107, the Government Advocate, upon being furnished with authority to appear and answer to the plaint, shall apply to the Court, and upon such application the Court shall cause a note of his authority to be entered in the Register. (S. C. C. & R. C.)

If no such application made, case to proceed as in suit between private parties.

110. If such application shall not be made by the Government Advocate on or before the day fixed in the notice for the defendant to appear and answer to the plaint, the case shall proceed as in a suit between private parties, except that the defendant shall not be liable to arrest before judgment. (S. C. C. & R. C.)

But defendant not liable to arrest before judgment.

Exemption of Government Officers from personal appearance.

111. If in a suit against an Officer of the Government the Court shall require the personal appearance of the defendant, and the defendant shall satisfy the Court that he cannot absent himself from his duty without detriment to the public service, the Court shall exempt him from appearing in person, but he shall be liable to be examined in any way in which an absent witness may be examined. (S. C. C. & R. C.)

Of making Persons not before the Court Parties to a Suit.

Court may direct that persons appearing to be interested in a suit shall be made parties, and may cause notices to be served on them.

112. If it appear to the Court at any stage of a suit, that any person who may be entitled to, or who may claim some share or interest in, the subject-matter of the suit, and who may be likely to be affected by the result, has not been made a party to the suit, the Court may direct that such person shall be made either plaintiff or defendant in the suit as the case may be. In such case the Court shall issue a notice to such person in the manner hereinbefore provided for the service of a summons on a defendant. (S. C. C. & R. C.)

Of Arrest before Judgment.

In suits for movable property, when defendant is about to leave the jurisdiction, &c., plaintiff may apply that security be taken.

113. If at any stage of a suit for moveable property the plaintiff shall satisfy the Court that the defendant, with intent to avoid or delay the plaintiff or to obstruct or delay the execution of any decree that may be passed against him, has absconded, or is about to abscond or to leave the jurisdiction of the Court, or has disposed of or removed from the jurisdiction of the Court his property or any part thereof, the plaintiff may apply to the Court that security be taken for the appearance of the defendant to answer any decree that may be passed against him in the suit. (S. C. C. & R. C.)

Order to bring up defendant to show cause why he should not give security.

114. If the Court, after examining the applicant, and making such further investigation as it may consider necessary, shall find that the defendant has absconded, or that there is good ground for believing that he is about to abscond or to leave the jurisdiction of the Court with the intent of avoiding or delaying the plaintiff, or that he has disposed of or removed from the jurisdiction of the Court his property or any part thereof with the intent to obstruct or delay the execution of any decree that may be passed against him, the Court may issue an order for bringing the defendant before the Court to show cause why he should not give security for his appearance. (S. C. C. & R. C.)

If defendant fail to show cause, Court may order him to make deposit or give security.

115. If the defendant fail to show such cause, the Court shall order him either to deposit in Court money or other property sufficient to answer the claim against him, or to give security for his appearance at any time when called upon while the suit is pending, and until execution or satisfaction of any decree that may be passed against him in the suit. The surety shall bind himself, in default of such appearance, to pay any sum of money that may be adjudged against the defendant in the suit, with costs. (S. C. C. & R. C.)

Procedure where defendant fails to do so.

116. If the defendant fail to comply with such order to give security, the Court may commit him to Jail until the decision of the suit or for such other time as the Court shall direct. (S. C. C. & R. C.)

Procedure in case of application by surety to be discharged.

117. The surety for the appearance of the defendant may at any time apply to the Court in which he became such surety to be discharged from his obligation. On such application being made, the Court shall summon the defendant to appear, or

if it shall think fit, may issue a warrant for his arrest in the first instance. On the appearance of the defendant pursuant to the summons or warrant, or on his voluntary surrender, the Court shall direct the surety to be discharged from his obligation, and shall call upon the defendant to find fresh security. (S. C. C. & R. C.)

Defendant to be imprisoned if he cannot give security.

118. In the event of the defendant not furnishing fresh security, the Court may commit him to Jail until the decision of the suit, or, if judgment be given against him, until the execution of the decree, or for such time as the Court shall direct. (S. C. C. & R. C.)

Compensation where defendant arrested or suit instituted on insufficient grounds.

119. If it shall appear to the Court that the arrest of the defendant was applied for on insufficient grounds, or if, after such arrest, the suit of the plaintiff is dismissed, or judgment is given against him by default or otherwise, and it shall appear to the Court that there was no probable ground for instituting the suit, the Court may, on the application of the defendant, award against the plaintiff in its decree such amount, not exceeding the sum of one thousand Rupees, as it may deem a reasonable compensation to the defendant for any injury or loss which he may have sustained by reason of such arrest: Provided that the Court shall not award a larger amount of compensation under this Section than it is competent to such Court to decree in an action for damages. An award of compensation under this Section shall bar any suit for damages in respect of such arrest. (S. C. C. & R. C.)

Proviso.

When defendant is about to leave India, similar application for security may be made.

120. If in any suit the defendant is about to leave British India with intent to remain absent so long that the plaintiff will or may thereby be obstructed or delayed in the execution of any decree that may be passed against the defendant, the plaintiff may make an application to the Court to the effect and in the manner aforesaid, and the procedure thereupon shall be in all respects the same as hereinbefore provided. (S. C. C.)

Of Attachment before Judgment.

Application before judgment for security from defendant to fulfil decree, and in default, for an attachment of his property.

121. If in any suit the defendant, with intent to obstruct or delay the execution of any decree that may be passed against him, is about to dispose of the whole or any part of his property, or to remove the same from the jurisdiction of the Court in which the suit is pending, or if the defendant with like intent shall have quitted the jurisdiction, leaving therein property belonging to him, the plaintiff may at any stage of the suit apply to the Court to call upon the defendant to furnish security to fulfil any decree that may be passed against him in the suit, and, on his failing to give such security, to direct that any such property shall be attached until the further order of the Court. (S. C. C. & R. C.)

Contents of application and declaration.

122. The application shall contain a specification of the property required to be attached, and the estimated value of each article or item thereof; and the plaintiff shall, at the time of making the application, declare that the defendant is about to dispose of or remove his property with such intent as aforesaid. The declaration shall be in writing, and shall be verified in the manner hereinbefore provided for the verification of plaints: Provided that the Court may dispense with the specification and valuation required by this Section if satisfied of the plaintiff's inability to furnish the same. (S. C. C. & R. C.)

Court may call on defendant to furish security or show cause.

123. If the Court, after examining the applicant, and making any further investigation which it may consider necessary, shall be satisfied that the defendant is about to dispose of or remove his property, with intent to obstruct or delay the execution of any decree that may be passed against him in the suit, the Court may call upon the defendant, within a time to be fixed by the Court, either to furnish security in such sum as may be specified in the order, to produce and place at the disposal of the Court, when required, the said property or the value of the same, or such portion thereof as may be sufficient to fulfil the decree, or to appear and show cause why he should not furnish security. The Court may also in the order direct the attachment of the whole or any portion of the property specified in the application. (S. C. C. & R. C.)

Attachment if cause not shown or security not furnished.

124. If the defendant fail to show cause why he should not furnish security, or fail to furnish the security required within the time fixed by the Court, the Court may order that the property specified in the application or such portion thereof as shall appear to be sufficient to fulfil any decree which may be passed in the suit shall be attached, or it may order that the defendant be committed to custody until the decision of the suit or for such other time as the Court shall direct. (S. C. C. & R. C.)

Withdrawal of attachment.

125. If the defendant show such cause or furnish the required security, and the property specified in the application or any portion of it shall have been ordered to be attached, the Court shall order the attachment to be withdrawn. (S. C. C. & R. C.)

Mode of making attachment.

126. The attachment shall be made, according to the nature of the property to be attached, in the manner hereinafter provided for the attachment of property in execution of a decree for money. (S. C. C. & R. C.)

Investigation of claims to property attached before judgment.

127. If any claim be preferred to the property attached before judgment, such claims shall be investigated in the manner hereinafter provided for the

investigation of claims to property attached in execution of a decree for money. (S. C. C. & R. C.)

Removal of attachment when security furnished.

128. When an order of attachment before judgment is passed, the Court which passed the order shall at any time remove the attachment on the defendant furnishing the security required, together with security for the costs of the attachment. (S. C. C. & R. C.)

Compensation for obtaining attachment or instituting suit on insufficient grounds.

129. If it shall appear to the Court that the attachment was obtained on insufficient grounds, or if, after the attachment, the suit of the plaintiff is dismissed or judgment is given against him by default or otherwise, and it shall appear to the Court that there was no probable ground for instituting the suit, the Court may on the application of the defendant, award against the plaintiff in its decree such aomunt, not exceeding the sum of one thousand Rupees, as it may deem a reasonable compensation to the defendant for the expense or injury occasioned to him by the attachment of his property: Provided that the Court shall not award a larger amount of compensation under this Section than it is competent to such Court to decree in an action for damages. An award of compensation under this Section shall bar any suit for damages in respect of such attachment. (S. C. C. & R. C.)

Proviso.

Attachment not to affect rights of strangers or bar the decree-holder from applying for sale.

130. Attachment before judgment shall not affect the rights of persons not parties to the suit, nor bar any person holding a decree against the defendant from applying for the sale of the property under attachment in execution of such decree. (S. C. C. & R. C.)

Court may stay sale of property already under attachment, when execution of a decree fraudulently obtained is applied for.

131. If it shall appear to the Court by which the property shall have been ordered to be attached before judgment, that there is reasonable ground for supposing that the decree, in satisfaction of which the sale of the property is applied for under the provisions of the last preceding Section, was obtained by fraud or other improper means, the Court may refuse to allow the property to be sold in execution if the decree be a decree of that Court, or if it be a decree of another Court, may stay the proceedings for a reasonable time to enable the person on whose application the property was ordered to be attached to adopt proceedings to set aside the decree. (S. C. C. & R. C.)

Case in which party may be put in immediate possession of land the subject of suit.

132. When land paying revenue to Government, or a tenure liable to summary sale, forms the subject of a suit, if the party in possession of such land or tenure shall neglect to pay the Government revenue, or the rent due to the proprietor of the tenure, as the case may be, and a sale shall in consequence be ordered to take place, the party to the suit not in possession shall, upon payment of the revenue or rent due previously to the sale (and with or without security at the discretion of the Court), be put in immediate possession of the land or tenure; and the Court in its decree may award against the defendant the amount so paid, with interest thereupon at such rate as the Court may think fit, or may charge the amount so paid, with interest thereupon at such rate as the Court may order, in any adjustment of accounts which may be directed in the decree passed in the suit.

OF EX PARTE ORDERS TO PERFORM A CONTRACT.

Ex parte order for specific performance of registered contract.

133. In any suit brought under Section 24 on a contract which shall have been registered under any law for the registration of assurances, the Court may, on the application of the plaintiff at the time of the institution of the suit, and if satisfied that the contract is capable of being performed by the defendant, that the plaintiff is likely to be materially prejudiced by any delay in such performance, and that the application is in good faith, make an order *ex parte* calling upon the defendant within a time to be fixed by the Court to perform the contract, or to appear and show cause why its immediate performance should not be enforced. (S. C. C.)

Enforcement of order.

134. If the defendant shall not, within the time fixed by the Court, either perform the contract, or appear and show cause why the immediate performance of the contract should not be enforced, and if it shall be proved to the satisfaction of the Court that the said order was duly served upon him in any of the modes of service hereinbefore provided, the Court shall proceed at once to take such evidence as the plaintiff shall adduce in support of his claim, and, subject to the conditions contained in Section 314, thereupon give judgment and pass a decree on the judgment so given as provided in the same Section. (S. C. C.)

OF INJUNCTIONS.

Cases in which an injunction to stay waste, &c., may be granted.

135. If it be shown to the satisfaction of the Court that any property which is in dispute in a suit is in danger of being wasted, damaged or alienated by any party to the suit, the Court may issue an injunction to such party, commanding him to refrain from doing the particular act complained of, or threatened, or give such other order for the purpose of staying and preventing the wasting, damaging or alienation of the property as to the Court may seem meet.

Before granting injunction, Court may direct notice to be given to opposite party.

136. The Court may, before granting an injunction, direct notice of the application for the same to be given to the opposite party.

Receiver or Manager of immovable property.

137. Whenever it may appear to the Court to be necessary for the preservation or the better management or custody of any immovable property which is in dispute in a suit, it shall be lawful for the Court to appoint a Receiver or Manager of such property, on such

terms as to security or otherwise as to the Court shall seem fit, and if need be to remove the person in whose possession or custody the property may be from the possession or custody thereof, and to commit the same to the custody of such Receiver or Manager, and to grant to such Receiver or Manager such fee or commission on the rents and profits of the property by way of remuneration, and all such powers as to bringing and defending suits, and for the management, protection, preservation, and improvement of the property, and the collection of the rents and profits thereof, and the application and disposal of such rents and profits, as the Court may think fit.

When the Collector may be appointed Receiver.

138. If the property be land paying revenue to Government, and the Court shall consider that the interests of those concerned will be promoted by the management of the Collector, the Court may appoint the Collector to be Receiver and Manager of such land, unless the Government shall by any general order prohibit the appointment of Collectors for such purpose, or shall in any particular case prohibit the appointment of the Collector to be such Receiver and Manager.

Injunction to restrain repetition or continuance of breach.

139. In any suit for restraining the defendant from committing a breach of contract or other injury, and whether damages be claimed in the suit or not, the plaintiff may, at any time after the commencement of the suit, and either before or after judgment, apply to the Court for an in injunction to restrain the defendant from the repetition or the continuance of the breach of contract or wrongful act complained of, or the committing of any breach of contract or injury of a like kind arising out of the same contract or relating to the same property or right. Such injunction may be granted by the Court on such terms as to the duration of the injunction, keeping an account, giving security, or otherwise, as to the Court shall seem proper. In case of disobedience, an injunction granted under this Section or Section 135 may be enforced by the imprisonment of the defendant or the attachment of his movable property or both.

Order for injunction may be discharged, varied or set aside.

140. Any order for an injunction may be discharged or varied or set aside by the Court, on application made thereto by any party dissatisfied with such order.

Compensation to defendant for issue of injunction or institution of suit on insufficient grounds.

141. If it shall appear to the Court that the injunction was applied for on insufficient grounds, or if after the issue of the injunction, the claim of the plaintiff is dismissed or judgment is given against him by default or otherwise, and it shall appear to the Court that the re was no probable ground for instituting the suit, the Court may, on the application of the defendant, award against the plaintiff in its decree such sum, not exceeding one thousand rupees, as it may deem a reasonable compensation to the defendant for the expense or injury occasioned to him by the issue of the injunction: Provided that the Court shall not award a larger amount of compensation under this Section than it is competent to such Court to decree in an action for damages. An award of compensation under this Section shall bar any suit for damages in respect of the issue of the injunction.

Proviso.

Execution of award of compensation.

142. An award of compensation under Section 119, Section 129, or Section 141, shall be executed in the manner hereinafter provided for the execution of decrees for money.

Of the Withdrawal and Adjustment of Suits.

Court may allow plaintiff to withdraw from a suit, with liberty to bring a fresh suit.

143. If the plaintiff, at any time before judgment, satisfy the Court that there are sufficient grounds for permitting him to withdraw from the suit with liberty to bring a fresh suit for the same matter, the Court may grant such permission on such terms as to costs or otherwise as it may deem proper If the plaintiff withdraw from the suit without such permission, he shall be liable for such costs as the Court shall award, and shall be precluded from bringing a fresh suit for the same matter. (S. C. C. & R. C.)

Law as to limitation of actions not affected by the first suit.

144. In any fresh suit instituted on permission granted under the last preceding Section, the plaintiff shall be bound by the law of limitations in the same manner as if the first suit had not been brought. (S. C. C. & R. C.)

Compromise of suits.

145. If a suit shall be adjusted by mutual agreement or compromise, or if the defendant satisfy the plaintiff in respect to the matter of the suit, such agreement, compromise or satisfaction shall be recorded, and the suit shall be disposed of in accordance therewith. (S. C. C. & R. C.)

Court may grant certificate for refund of half stamp duty on plaint, if suit be adjusted

146. On the application of the plaintiff reciting the substance of such agreement, compromise or satisfaction, if such application shall have been presented before the suit is is called up for the settlement of issues, or, in a suit in which the summons to the defendant shall be for the final disposal of the suit, if such application shall have been presented before the hearing of the suit has commenced, the Court, if satisfied that such agreement, compromise or satisfaction has been actually entered into or made, shall grant a certificate to the plaintiff authorizing him to receive back from the Collector a moiety of the stamp-duty, if any, paid on the plaint and the Collector shall pay the same: Provided that no such certificate shall be granted if the arrangement between the parties be such as to require the Court in disposing of the suit to pass a decree on which process of execution can be taken out. (S. C. C. & R. C.)

Proviso.

OF THE DEATH, MARRIAGE, AND BANKRUPTCY OR INSOLVENCY OF PARTIES.

No abatement by party's death if cause of action survive.

147. The death of a plaintiff or defendant shall not cause the suit to abate if the cause of action survive. (S. C. C. & R. C.)

Proceeding in case of death of one of several plaintiffs or defendants, if cause of action survive.

148. If there be more plaintiffs or defendants than one, and any of them die, and if the cause of action survive to the surviving plaintiff or plaintiffs alone, or against the surviving defendant or defendants alone, the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, or against the surviving defendant or defendants. (S. C. C. & R. C.)

Proceeding in case of death of one of several plaintiffs, where cause of action survives to the survivors and representative of deceased.

149. If there be more plaintiffs than one, and any of them die, and if the cause of action shall not survive to the surviving plaintiff or plaintiffs alone, but shall survive to him or them and the legal representative of the deceased plaintiff jointly, the Court may, on the application of the legal representative of the deceased plaintiff, enter the name of such representative in the Register of the suit in the place of such deceased plaintiff, and the suit shall proceed at the instance of the surviving plaintiff or plaintiffs and such legal representative of the deceased plaintiff. (S. C. C. & R. C.)

Procedure where no application made by representative of deceased plaintiff.

150. If no application shall be made to the Court within a reasonable time by any person claiming to be the legal representative of the deceased plaintiff, the suit shall proceed at the instance of the surviving plaintiff or plaintiffs; and the legal representative of the deceased plaintiff shall be interested in and shall be bound by the decree passed in the suit, in the same manner as if the suit had proceeded at his instance conjointly with the surviving plaintiff or plaintiffs. (S. C. C. & R. C.)

Proceeding in case of death of sole, or sole surviving, plaintiff.

151. In case of the death of a sole plaintiff or sole surviving plaintiff, the Court may, on the application of the legal representative of the deceased plaintiff, enter the name of such representative in the place of such plaintiff in the Register of the suit, and the suit shall thereupon proceed. (S. C. C. & R. C.).

Abatement where no application by representative of deceased plaintiff.

152. If no such application shall be made to the Court, within a reasonable time, by any person claiming to be the legal representative of any such deceased plaintiff as aforesaid, the Court may pass an order that the suit shall abate, and award to the defendant the costs which he may have incurred in defending the suit, to be recovered from the estate of such deceased plaintiff as aforesaid; or the Court may, if it think proper, on the application of the defendant, and upon such terms as to costs or otherwise as it may think fit, pass such other order for bringing in the legal representative of such deceased plaintiff as aforesaid, and for proceeding with the suit in order to a final determination of the matter in dispute, as may appear just and proper. (S. C. C. & R. C.)

Procedure in case of dispute as to representation of deceased plaintiff.

153. If any dispute arise as to who is the legal representative of a deceased plaintiff, the Court may either stay the suit until the fact has been determined in another suit, or decide at or before the hearing of the suit who shall be admitted to be such legal representative for the purpose of prosecuting the suit. (S. C. C. & R. C.)

Procedure in case of death of one of several defendants, or of sole or sole surviving defendant.

154. If there be more defendants than one and any of them die, and the cause of action shall not survive against the surviving defendant or defendants alone, and also in case of the death of a sole defendant, or sole surviving defendant, where the action survives, the plaintiff may make an application to the Court, specifying the name, description, and place of abode of any person whom the plaintiff alleges to be the legal representative of the deceased defendant, and whom he desires to be made the defendant in his stead; and the Court shall thereupon enter the name of such representative in the Register of the suit in the place of such defendant, and shall issue a summons to such representative to appear on a day to be therein mentioned to defend the suit; and the case shall thereupon proceed in the same manner as if such representative had originally been made a defendant and had been a party to the former proceedings in the suit: Provided that the person so made defendant shall be at liberty to make any defence appropriate to his character as such representative. (S. C. C. & R. C.)

Suit not abated by marriage of female party.

155. The marriage of a female plaintiff or defendant shall not cause the suit to abate, but the suit may notwithstanding be proceeded with to judgment, and the decree thereupon may be executed against the wife alone. If the case is one in which the husband is by law liable for the debts of his wife, the decree may, with the permission of the Court, be executed against the husband also; and in case of judgment for the wife, execution of the decree may with such permission be issued upon the application of the husband, where the husband is by law entitled to the subject-matter of the decree. (S. C. C. & R. C.)

Plaintiff's bankruptcy or insolvency not to abate suit unless Assignee refuses to proceed and give security for costs.

156. The bankruptcy or insolvency of a plaintiff in any suit which his Assignee might maintain for the benefit of his creditors shall not abate the suit, unless such Assignee shall decline to continue the suit and to give security for the costs thereof within such time as the Court may order. If the Assignee neglect or refuse to continue the suit and to give such security within the time limited by the order, the defendant may within eight days after such neglect or refusal apply for the abatement of the suit on the ground of the plaintiff's bankruptcy or insolvency, and the Court may

award to the defendant the costs which he may have incurred in defending the suit, to be recovered from the plaintiff's estate. (S. C. C. & R. C.)

OF NOTICES TO PRODUCE, AND HOW THEY ARE TO BE SERVED.

Notice to produce documents.

157. When a party to a suit desires that any document, writing, or other thing which he believes to be in the possession or power of any other party to the suit and the production of which shall not have been previously required under the provisions of Sections 71 and 79, shall be produced at any hearing of the suit, such party shall at the earliest opportunity deliver to the Court two notices in writing to the party in whose possession or power he believes the document, writing, or other thing to be, calling upon him to produce the same. One of such notices shall be filed in Court and the other shall be delivered by the Court to the proper Officer, to be served upon such party; and if the Court shall so order, such notice, when served, shall have the force of a summons. (S. C. C. & R. C.)

When served, may have force of summons.

OF THE APPEARANCE OF THE PARTIES AND CONSEQUENCE OF NON-APPEARANCE.

Parties to appear on day fixed in summons for defendant to appear and answer.

158. On the day fixed in the summons for the defendant to appear and answer, the parties shall be in attendance at the Court-house, and the suit shall then be heard, unless the hearing be adjourned to a future day which shall be fixed by the Court. (S. C. C. & R. C.)

Dismissal of suit where summons not served in consequence of plaintiff's failure to deposit costs of issuing it.

159. If on the day fixed for the defendant to appear and answer, it shall be found that the summons has not been served upon him in consequence of the failure of the plaintiff to deposit, within the time allowed, the sum required to defray the cost of issuing such summons, the Court may order that the suit be dismissed: Provided that no such order shall be passed, although the summons shall not have been served upon the defendant, if, on the day fixed for him to appear and answer, he shall have entered an appearance by an Advocate or by a duly authorized agent, when he is allowed to appear by agent, or shall be in attendance in person. (S. C. C. & R. C.)

Proviso.

If neither party appear, suit to be dismissed.

160. If on the day fixed for the defendant to appear and answer, or on any other subsequent day to which the hearing of the suit may be adjourned, neither party shall appear when called upon by the Court, the suit shall be dismissed. (S. C. C. & R. C.)

In such case plaintiff may bring fresh suit.

161. Whenever a suit is dismissed under either of the last two preceding Sections, the plaintiff shall be at liberty to bring a fresh suit unless precluded by the law of limitations; or if he shall within the period of thirty days from the date of the order dismissing the suit, satisfy the Court that there was a sufficient excuse for his not making the deposit required within the time allowed or for his non-appearance, as the case may be, the Court may issue a fresh summons upon the plaint already filed. (S. C. C. & R. C.)

Or Court may issue fresh summons.

Procedure if plaintiff only appear.

162. If the plaintiff shall appear and the defendant shall not appear, and the Court shall be satisfied that the summons was duly served, the Court may proceed to hear the suit *ex parte* or adjourn it, whether the summons was for the final disposal of the suit or for the settlement of issues only. If the summons shall have been issued for the final disposal of the suit, the Court, if satisfied of the justice of the plaintiff's claim, may proceed to pass a decree *ex parte* in his favour. (S. C. C. & R. C.)

If defendant appear on day of adjourned hearing, and assign good cause for previous non-appearance, he may be heard.

163. If the defendant, on any subsequent day to which the hearing of the suit *ex parte* shall have been adjourned, shall appear and assign good cause for his previous non-appearance, he may, upon such terms as the Court may direct as to costs or otherwise, be heard in answer to the suit, in like manner as if he had appeared on the day fixed for his appearance. (S. C. C. & R. C.)

If plaintiff only appear, and due service of summons be not proved, Court may order issue of second summons.

164. If the plaintiff shall appear and the defendant shall not appear, and it shall not be proved to the satisfaction of the Court that the summons was duly served in any of the modes of service hereinbefore provided, the Court may direct a second summons to the defendant to be issued in any of the said modes. (S. C. C. & R. C.)

If plaintiff only appear, and it be proved that summons was served, but not in due time, Court may adjourn hearing and direct notice to be given to defendant.

165. If the plaintiff shall appear and the defendant shall not appear, and it shall be proved to the satisfaction of the Court that the summons was served on the defendant, but not in sufficient time to enable him to appear and answer on the day fixed in the summons, the Court shall postpone the hearing of the suit to a future day to be fixed by the Court, and may direct notice of such day to be given to the defendant. (S. C. C. & R. C.)

If defendant only appear, Court to make decree by default against plaintiff, unless defendant admit claim.

166. If the defendant shall appear and the plaintiff shall not appear, the Court shall pass a decree against the plaintiff by default, unless the defendant admit the claim, in which case the Court shall pass a decree against the defendant upon such admission. (S. C. C. & R. C.)

Bar of fresh suit by decree against plaintiff by default.

167. When a decree is passed against a plaintiff by default, he shall be precluded from bringing a fresh suit in respect of the same cause of action. (S. C. C. & R. C.)

168. If there are more plaintiffs than one, and one or more of them shall appear in person or by an Advocate or by a co-plaintiff duly authorized, and the other or others of them shall not appear in person nor by an Advocate nor by a co-plaintiff duly authorized, the Court may proceed with the suit at the instance of the plaintiff or plaintiffs who shall have appeared, in the same way as if all the plaintiffs had appeared, and pass such order as may seem just. (S. C. C. & R. C.)

Procedure in case of non-attendance of one or more of several plaintiffs.

169. If there are more defendants than one, and one or more of them shall appear in person or by an Advocate or by a co-defendant duly authorized, and the others of them shall not appear in person or by an Advocate or by a co-defendant duly authorized, the Court shall proceed with the suit, and shall at the time of passing judgment make such order with respect to the defendant or defendants who shall not have appeared as shall seem just. (S. C. C. & R. C.)

Procedure in case of non-attendance of one or more of several defendants.

170. If a plaintiff or defendant who shall have been ordered to appear in person under the provisions of Section 73 or Section 74 shall not appear in person, or show sufficient cause to the satisfaction of the Court for failing so to appear, such plaintiff or defendant shall be subject to all the provisions of the foregoing Sections applicable to plaintiffs and defendants, respectively, who do not appear. (S. C. C. & R. C.)

Consequence of non-attendance, without sufficient cause shown, of party ordered to appear in person.

171. In support of the cause shown by a plaintiff or defendant for failing to appear in person, the Court shall receive any declaration in writing on paper, which shall bear the stamp required for petitions to the Court where a stamp is required for petitions, signed by such plaintiff or defendant and verified in the manner hereinbefore provided for the verification of plaints. (S. C. C. & R. C.)

Court to receive written declaration in support of cause shown for failure to appear.

172. In any case in which a decree shall be passed *ex parte* against a defendant under Section 166, he may within a reasonable time, not exceeding thirty days after any process for enforcing the decree has been executed, apply to the Court by which the decree was made for an order to set it aside; and if it shall be proved to the satisfaction of the Court that the summons was not duly served, or that the defendant was prevented by any sufficient cause from appearing when the suit was called on for hearing, and, if in a suit involving a claim to money, the amount with costs be paid into Court, the Court shall pass an order to set aside the decree upon such terms as to costs or otherwise as it shall think fit, and shall appoint a day for proceeding with the suit. (S. C. C. & R. C.)

Setting aside decree *ex parte* against defendant.

173. In any case in which a decree is passed against a plaintiff by default under Section 166, he may within thirty days from the date of the decree apply for an order to set it aside; and if it shall be proved to the satisfaction of the Court that the plaintiff was prevented by any sufficient cause from appearing when the suit was called on for hearing, the Court shall pass an order to set aside the decree upon such terms as to costs or otherwise as it shall think fit, and shall appoint a day for proceeding with the suit. (S. C. C. & R. C.)

Setting aside judgment by default against plaintiff.

174. No decree shall be set aside on any such application as aforesaid, unless notice thereof shall have been served on the opposite party. (S. C. C. & R. C.)

No judgment to be set aside, without notice to opposite party.

175. In every case in which the Court shall pass an order under Section 172 or Section 173, for setting aside a decree, the order shall be final. (S. C. C. & R. C.)

Order for setting aside judgment to be final.

Of Payment into Court.

176. The defendant in any suit involving a claim to money, may at any stage of the suit deposit in Court such sum of money as he considers a satisfaction in full of the claim including the costs incurred by the plaintiff, up to the time of such deposit. Notice of the deposit shall be given to the plaintiff, and the amount of the deposit shall be paid to him on his application. No interest shall be allowed to the plaintiff on any sum deposited by the defendant from the date of the receipt of such notice, whether the sum deposited be in full of the claim or fall short thereof (S. C. C. & R. C.)

Deposit by defendant of amount considered by him to be in full satisfaction of claim, with costs up to date.

Notice of deposit.

Interest on sum deposited not allowed to plaintiff after receipt of notice.

177. Nothing in the last preceding Section shall be held to bar the plaintiff in any suit, in which the defendant shall deposit less than the amount claimed by the plaintiff, from proceeding in the suit for the recovery of the balance. (S. C. C. & R. C.)

Plaintiff may proceed for sum claimed in excess of amount deposited by defendant.

Of Written Statements.

178. The parties at the first hearing of the suit, may tender written statements of their respective cases, and the Court shall receive and record such statements.

Written statements.

179. Written statements shall be on the stamp paper prescribed for petitions to the Court, where a stamp is required for petitions.

Written statements to be on stamp paper.

180. If in a suit for a debt the defendant desire to set-off against the claim of the plaintiff the amount of any debt due to him from the plaintiff, and a suit for the recovery of the amount of such debt is not barred by the law of limitations, the defendant shall, at the first hearing of the suit, but not

Particulars of set-off to be given in a written statement.

afterwards unless permitted by the Court, tender a written statement containing the particulars of his demand, and the Court shall thereupon enquire into the same.

Explanation.—The debts mentioned in this Section include not only pecuniary debts, but claim for specific articles of the same nature. (S. C. C. & R. C.)

No written statement to be received after first hearing unless called for by Court.

181. Except as provided in the last preceding Section, no written statement shall be received after the first hearing of the suit unless called for by the Court. The Court may, at any time, call for a written statement, or an additional written statement, from any of the parties, and fix a time for the filing of the same. When such statements are called for by the Court, they may be received on plain paper.

Court may at any time call for written statement.

Frame of written statements.

182. Written statements shall be as brief as the nature of the case will admit, and shall not be argumentative, nor by way of answer one to the other; but shall be confined as much as possible to a simple narrative of the facts which the party by whom or on whose behalf the written statement is made believes to be material to the case, and which he believes he will be able to prove.

Written statements to be subscribed and verified.

183. Written statements shall be subscribed and verified in the manner hereinbefore provided for subscribing and verifying plaints, and no written statement shall be received unless it be so subscribed and verified.

Procedure when party fails to present written statement called for by Court.

184. If any party, from whom a written statement shall have been called for under Section 181 shall fail to present the same within the time fixed by the Court, the Court may pass a decree against him, or make such other order in relation to the suit as it may deem proper.

Court may reject written statement which is argumentative, prolix or irrelevant.

185. If it shall appear to the Court that any written statement, whether it shall have been called for by the Court, or spontaneously tendered, is argumentative or prolix, or that it contains matter irrelevant to the suit, the Court may strike out any part of the statement, or, by an order to be endorsed thereon, reject the same, and return it to the party by whom it was made, imposing such terms as to costs and otherwise as to the Court shall seem fit. It shall not be competent to such party to present another written statement, unless it shall be expressly called for or allowed by the Court. (S. C. C. & R. C.)

Of the Examination of the Parties at the first hearing.

Oral examination of party, or companion of himself or his Advocate.

186. At the first hearing of the suit, or at any subsequent hearing, any party who appears in person or is present in Court, or any person able to answer any material questions relating to the suit by whom he or his Advocate may be accompanied, may be examined orally by the Court. The substance of the examination shall be reduced to writing and shall form part of the record. (S. C. C. & R. C.)

Substance of examination to be written.

Consequence of refusal of party to answer.

187. If any party to a suit who appears in person or is present in Court shall without lawful excuse refuse to answer any material question relating to the suit which the Court may think proper to put to such party, the Court may pass a decree against him, or make such order in relation to the suit as it may deem proper. (S. C. C. and R. C.)

Consequence of refusal or inability of Advocate to answer.

188. If the Advocate of any party who shall appear by an Advocate, shall refuse or be unable to answer any material question relating to the suit which the Court is of opinion that the party whom he represents ought to answer, and is likely to be able to answer if interrogated in person, the Court may postpone the hearing of the suit to a future day, and direct that such party shall appear in person on such day. If the party so directed to appear shall without lawful excuse fail to appear in person on the day so appointed, the Court may pass a decree against him, or make such order in relation to the suit as it may deem proper. (S. C. C. & R. C.)

Of the Production of Documents.

Documentary evidence to be produced at first hearing.

189. The documentary evidence of every description on which the parties to a suit may intend to rely, and which may not already have been filed in Court and all documents or other things, which shall have been specified in any notice to produce served on the parties or any of them within a reasonable time before the hearing of the suit, shall be produced at the first hearing of the suit on being called for by the Court. No documentary evidence of any kind, which the parties or any of them may desire to produce, shall be received at any subsequent stage of the proceedings unless good cause be shown to the satisfaction of the Court for the non-production thereof at the first hearing. (S. C. C. & R. C.)

Documents to be received by Court.

Rejection of irrelevant or inadmissible documents.

190. The Court shall receive the documents produced by the parties. The Court may at any stage of the suit reject any document which it considers irrelevant or otherwise inadmissible, recording the grounds of such rejection. (S. C. C. & R. C.)

Admitted documents to be marked and filed.

Entries in shop-books.

191. When a document is admitted in evidence at any stage of the suit, it shall be endorsed with the number and title of the suit, the name of the person producing it, and the date on which it was produced and shall be filed as part of the record: Provided that, if the document be an entry in a shop-book, or other book, the party on whose behalf such book is produced may furnish a copy of the entry, which may be on unstamped paper: the copy may be endorsed as aforesaid, and shall

be filed as part of the record, and the book shall be returned to the person producing it. (S. C. C. & R. C.)

Rejected documents to be marked and returned.

192. When a document is rejected by the Court, it shall be endorsed in the manner specified in the last preceding Section with the addition of the word "rejected," and the endorsement shall be signed by the Judge. The document shall then be returned to the party who produced it, unless the Court shall think proper, on suspicion of the document having been fabricated, or for any other reason, to order that it be detained. (S. C. C. & R. C.)

Unless detained by Court.

Court may receive in evidence, unstamped documents on payment of proper stamp duty and penalty.

193. If a document not bearing tthe stamp prescribed by law, be produced in evidence, the Court, if satisfied that the omission or neglect to execute such document on paper bearing the proper stamp did not arise from any intention to evade payment of the stamp duty prescribed for such document, or otherwise to defraud the Government, may receive in evidence such document, on payment into Court of the proper stamp duty and (as a penalty) treble the amount of such stamp duty; or if the document shall be insufficiently stamped, on payment into Court of such sum as with the amount of the stamp upon such document shall suffice to complete the prescribed amount, and (as a penalty) treble the sum required to complete the same. The proper amount to be paid into Court under this Section shall in each case be determined by the Court, whose decision on the point shall be final. (S. C. C. & R. C.)

Entry of payments under preceding Section to be made in book and endorsed.

194. An entry of every payment under the last preceding Section, setting forth the amount thereof, shall be made in a book to be kept by the Court, and shall also be endorsed on the back of the document in respect of which it is made, and shall be signed by the Court or by the Registrar or Clerk of the Court. (S. C. C. & R. C.)

Judge to make monthly return to Collectors, of stamp duty received by the Court.

195. The Judge shall at the end of every month make a return to the Collector of the Stamp Revenue of the District, of the money (if any) which the Court has received under the provisions of Section 193, distinguishing between the sums received by way of penalty and the sums received by way of duty.

Contents of return.

The return shall state the number and title of the suit, the name of the party from whom such money was received, and the date, if any, and description of the document. The Judge shall pay over the money so received to such Collector or to such person as the Collector may appoint to receive the same. (S. C. C. & R. C.)

Collector to stamp document duly endorsed under Sec. 194.

196. The Collector or other proper authority shall, upon the production of a document in respect of which a payment of stamp duty shall have been made under Section 193, with the endorsement hereinbefore mentioned, cause it to be stamped with a stamp of the amount paid into Court on account of such duty. (S. C. C. & R. C.)

After lapse of time, for appeal document admitted in evidence may be returned.

197. In suits in which an appeal is allowed, when the time for preferring an appeal from the decree has elapsed, or, if an appeal has been preferred, then after the appeal has been disposed of, any person, whether a party to the suit or not, who may be desirous of receiving back any document produced by him in the suit, shall be entitled, on application to the Court in which such document may be, to receive back the same. (R. C.)

If no appeal, document may be returned as soon as decree is made.

198. In suits in which an appeal is not allowed, the document may be returned, on application to the Court at any time after the suit has been disposed of. (S. C. C. & R. C.)

Document may for special reasons be returned before time limited.

199. A document may be returned before the time mentioned in Section 197 or Section 198, if the Court in which the document may be shall think proper, for any special reason, to order its return. (S. C C. & R. C.)

Document not to be returned in certain cases.

200. No document shall be returned the further use of which has been superseded by the terms of the decree, or which the Court has directed to be detained for purposes of public justice. (S. C. C. & R. C.)

Certified copy to be kept.

201. When a document is returned, a certified copy, made at the expense of the applicant, and bearing the stamp prescribed by law for copies of documents, shall be substituted for the original in the record of the suit. (S. C. C. & R. C.)

Receipt to be given for returned document.

202. On the return of a document which has been admitted in evidence, a receipt shall be given by the party receiving the document, in a receipt-book to be kept for the purpose. (S. C. C. & R. C.)

Court may send for papers from its own records, or from other public Offices or Courts.

203. The Court may, of its own accord, or upon the application of any of the parties to a suit, if the Court shall consider such application reasonable and proper, send for, either from its own records or from any other Court or public Office, the record of any other suit or case, or any other official paper, not being a document relating to affairs of State the production of which may be contrary to good policy, and inspect the same. (S. C. C. & R. C.)

Except State papers.

Of the Settlement of Issues.

Framing of Issues.

204. At the first hearing of the suit, the Court shall enquire upon what question of law or of fact the parties are at issue, and shall thereupon

proceed to frame and record the issues of law and fact on which the right decision of the case shall appear to the Court to depend.

Issues may be framed from oral statements of parties and others.

205. The Court may frame the issues from the allegations of fact which it collects from the oral examination of the parties or of any persons present on their behalf or from the representations of their Advocates, notwithstanding any difference between such allegations of fact and the allegations of fact contained in the written statements, if any, tendered in the suit.

Court may examine witnesses or documents before framing issues.

206. If the Court shall be of opinion that the issues cannot be correctly framed without the examination of some person not before the Court, or without the inspection of some document not produced in the suit, it may adjourn the framing of the issues to a future day, to be fixed by the Court, and may compel the attendance of any person or the production of any document by the person in whose hands it may be, by summons or other process.

Amendment of issues.

Additional issues

207. The Court may at any time before passing a decree amend the issues or frame additional issues on such terms as it shall think fit, and all such amendments as may be necessary for the purpose of determining the real question or controversy between the parties shall be so made.

Of Issues by Agreement of Parties.

Questions of fact or law may by agreement be stated in the form of an issue.

208. When the parties to a suit are agreed as to the question of fact or of law to be decided between them, they may state the same in the form of an issue, and enter into an agreement in writing, which shall not be subject to stamp duty, that upon the finding of the Court in the affirmative or the negative of such issue, a sum of money specified in the agreement, or to be ascertained by the Court upon a question inserted in the issue for that purpose, shall be paid by one of the parties to the other of them, or that upon such finding some property specified in the agreement and in dispute in the suit shall be delivered by one of the parties to the other of them, or that upon such finding one or more of the parties shall do or abstain from doing some particular act, specified in the agreement, and relating to the matter in dispute.

Court if satisfied that the agreement was executed *bonâ fide* may give judgment.

209. If the Court shall be satisfied, after making such enquiry as it may deem proper, that the agreement was duly executed by the parties, and that they have a *bonâ fide* interest in the decision of such question as aforesaid, and that the same is fit to be tried and decided, it may proceed to record and try the issue, and deliver its finding or opinion thereon in the same manner as if the issue had been framed by the Court, and may upon the finding or decision on such issue, give judgment for the sum so agreed on or so ascertained as aforesaid, or otherwise according to the terms of the agreement; and upon the judgment which shall be so given, decree shall follow and may be executed in the same way as if the judgment had been pronounced in a contested suit.

When the Suit may be disposed of at the First Hearing.

If the parties are not at issue on any question of law or fact.

210. If at the first hearing of a suit it shall appear that the parties are not at issue on any question of law or of fact, the Court may at once give judgment.

If one of several defendants be not at issue with the plaintiff on any question of law or fact.

211. Where there are more defendants than one, and any one of the defendants is not at issue with the plaintiff on any question of law or fact, the Court may at once give judgment for or against such defendant, and the suit shall proceed only against the other defendants.

If the parties are at issue on questions of law or fact.

212. When the parties are at issue on some question of law or of fact, and issues have been framed by the Court as hereinbefore provided, if the Court shall be satisfied that no further argument or evidence than such as the parties can at once supply is required upon any such of the issues or law or of fact as may be sufficient for the decision of the suit, and that no injustice will result from proceeding with the suit forthwith, the Court may proceed to determine such issue or issues, and if the finding thereon is sufficient for the decision, may pronounce judgment accordingly, whether the summons shall have been issued for the settlement of issues only or for the final disposal of the suit; otherwise the Court shall postpone the further hearing of the suit, and shall fix a day for the production of such further evidence, or for such further argument as the case may require.

Court may determine the issues and give judgment

If either party fails to produce his evidence, Court may make decree.

213. If the summons shall have been issued for the final disposal of the suit, and either party shall fail without sufficient cause to produce the evidence on which he relies, the Court may at once give judgment. (S. C. C. & R. C.)

Procedure where Court cannot give judgment at first hearing.

214. After the issue of such summons, if the Court is unable to give judgment at the first hearing of the suit by reason of additional evidence being required, or for any other cause, the Court shall frame the issues of law and fact requiring to be determined as provided in Section 204.

Of Adjournments.

Court may grant time, or adjourn hearing.

215. The Court may, if sufficient cause be shown, at any stage of the suit, grant time to the parties, or to either of them, and may from time to time adjourn the hearing of

the suit. In all such cases the Court shall fix a day for the further hearing of the suit: Provided that the party applying for time shall pay the costs occasioned by such adjournment, unless the Court shall otherwise direct: Provided also that when the hearing of evidence shall have once begun, the hearing of the suit shall not be adjourned at the application of any of the parties except from day to day when all the witnesses cannot be examined on the same day. (S. C. C. & R. C.)

Costs of adjournment.

216. If, on any day to which the hearing of the suit is adjourned, the parties or either of them shall not appear, the Court may proceed to dispose of the suit in the manner specified in Section 160, Section 162, or Section 166, as the case may be, or make such other order as may seem proper. (S. C. C. & R. C.)

Procedure if parties fail to appear on day fixed.

217. If either party to a suit to whom time may have been granted shall fail to produce his proofs, or to cause the attendance of his witnesses, or to perform any other act necessary to the further progress of the suit, for which time may have been allowed, the Court may proceed to a decision of the suit on the record, notwithstanding such default. (S. C. C. & R. C.)

Court may proceed notwithstanding either party fails to produce proofs or witnesses.

OF SUMMONING PERSONS TO GIVE EVIDENCE OR PRODUCE DOCUMENTS.

218. The parties may, at any time after the issue of the summons to the defendant, if the summons be for the final disposal of the suit, or after the issues have been recorded, if the summons to the defendant be for the settlement of issues only, obtain, on application to the Court, summonses to persons to attend either to give evidence or to produce a document, and in any such summons the names of any number of persons may be inserted. (S. C. C. & R. C.)

Summons to attend to give evidence or produce documents.

219. The person applying for a summons shall pay into Court such a sum of money as shall appear to the Court to be reasonable to defray the travelling and other expenses of the person mentioned in the summons, in passing to and from the Court in which he may be required to attend, and for one day's attendance. (S. C. C. & R. C.)

Expenses of witnesses to be paid into Court on applying for summons.

220. If the Court be a subordinate Court, regard shall be had, in fixing the scale of such expenses, to the rules (if any) laid down by the Court to which such Court shall be subordinate. (S. C. C. & R. C.)

Scale of expenses.

221. The sum so paid into Court shall be tendered to the person named in the summons at the time of serving the summons if it can be served personally. (S. C. C. & R. C.)

Tender of expenses to witness.

222. If it shall appear to the Court that the sum paid into Court on account of the travelling and other expenses of the person named in the summons in passing to and from the Court is not sufficient to cover such expenses, and for one day's attendance, the Court may direct such further sum to be paid to such person as may appear to be necessary on that account; and, in case of default in payment, may order such sum to be levied by attachment and sale of the goods of the person ordered to pay the same; or the Court may discharge the person summoned without requiring him to give evidence. (S. C. C. & R. C.)

Procedure where insufficient sum paid in.

223. If it shall be necessary to detain the person summoned for a longer period than one day, the Court may from time to time order the party at whose instance he was summoned, to pay into Court such sum as may be sufficient to defray the expenses of his detention for such further period, and in default of such deposit being made, may order him to be discharged without requiring him to give evidence. (S. C. C. & R. C.)

Expenses if witness detained more than one day.

224. Every summons for the attendance of a person to give evidence or produce a document shall specify the time and place at which he is required to attend, and also whether his attendance is required for the purpose of giving evidence or to produce a document, or for both purposes; and any particular document which the person summoned may be called on to produce, shall be described in the summons with convenient certainty. (S. C. C. & R. C.)

Time, place, and purpose of attendance to be specified in summons.

225. Any person, whether a party to the suit or not, may be summoned to produce a document, without being summoned to give evidence; and any person, summoned merely to produce a document, shall be deemed to have complied with the summons, if he cause such document to be produced instead of attending personally to produce the same. (S. C. C. & R. C.)

Summons to produce a document.

226. The summons shall be in the form contained in the Schedule D to this Code annexed or to the like effect. (S. C. C. & R. C.)

Form of summons to give evidence or produce documents.

SERVICE OF SUMMONS ON PERSONS REQUIRED TO GIVE EVIDENCE OR PRODUCE DOCUMENTS.

227. Every summons to a person to give evidence or produce a document shall be served by exhibiting the original, and delivering or tendering a copy to him. (S. C. C. & R. C.)

How and when summons shall be served.

228. The service shall in all cases be made a sufficient time before the time specified in the summons for the attendance of the person summoned to allow him a reasonable time for preparation, and for

Service to be made in sufficient time before date of attendance.

travelling to the place at which his attendance is required. (S. C. C. & R. C.)

Service to be on witness, or adult male member of his family.

229. Whenever it may be practicable, the service of the summons shall be upon the person thereby required to attend; but when such person cannot be found, the service may be made on an adult male member of his family residing with him. (S. C. C. & R. C.)

When summons cannot be served, to be returned to Court.

230. When the person required to attend cannot be found and there is no adult male member of his family on whom the summons can be served, the serving Officer shall return the summons to the Court from which it issued with an endorsement thereon that he has been unable to serve it.

Explanation.—A servant is not a member of the family within the meaning of this or the last preceding Section. (S. C. C. & R. C.)

Time and manner of service to be endorsed on summons.

231 The serving Officer shall, in all cases in which the summons has been served, endorse on the original summons the time when and the manner in which it was served. (S. C. C. & R. C.)

Service of summons on witness resident in another jurisdiction.

232. If the person required to attend be resident within the jurisdiction of any Court other than that in which the suit is pending, the summons shall be transmitted by the Court in which the suit is pending to any Court other than a High Court having jurisdiction at the place where the witness resides, by which it can be most conveniently served; and the Court to which the summons is sent shall, upon receipt thereof, deliver the same to the proper Officer of such Court, to be served in the manner above directed. Upon the return of the summons by the serving Officer, it shall be sent to the Court from which it originally issued. (S. C. C. & R. C.)

Attachment of property of absconding witness.

233. If the summons for the attendance of a person either to give evidence or to produce a document, cannot be served in either of the ways hereinbefore specified, the Court, on being certified thereof by the return of the serving Officer, and upon being satisfied that the evidence of such person or the production of the document is material, and that he is absconding or keeping out of the way for the purpose of avoiding the service of the summons, may cause a proclamation requiring his attendance to give evidence, or produce the document, at a time and place to be named therein, to be affixed on some conspicuous place of the house in which he is dwelling; and if he shall not attend at the time and place named in such proclamation, the Court may, at the instance of the party on whose application the summons was issued, make an order for the attachment of the movable property of the person whose attendance is required to such amount as the Court shall deem reasonable, not being in excess of the amount of the costs of attachment and of any fine to which he may be liable under the provisions of Section 235. (S. C. C. & R. C.)

If witness appears attachment may be withdrawn.

234. If, on the attachment of his property, such person shall appear and satisfy the Court that he did not abscond or keep out of the way to avoid service of the summons, and that he had not notice of the proclamation in time to attend at the time and place named therein, the Court shall direct that the property be released from attachment, and shall make such order in regard to the costs of the attachment as it shall deem fit. (S. C. C. & R. C.)

Procedure if witness fails to appear.

235. If the person whose attendance is required shall not appear, or appearing, shall fail to satisfy the Court that he did not abscond or keep out of the way to avoid service of the summons, and that he had not notice of the proclamation in time to attend at the time and place named therein, the Court may order the property attached, or any part thereof, to be sold for the purpose of satisfying all costs incurred in consequence of such attachment, together with the amount of any fine which the Court may impose upon such person under the provisions of the Indian Penal Code or any other law for the punishment of a witness who may abscond or keep out of the way in order to avoid the service of a summons. If the person whose attendance is required shall pay into Court the costs and fine as aforesaid, the Court shall order the property to be released from attachment. (S. C. C. & R. C.)

Of the Examination of Parties as Witnesses.

Party appearing in person may be examined as witness.

236. When a party to suit appears in person at any hearing of the suit, he may be examined as a witness, either on his own behalf or on behalf of any other party to the suit, in the same manner as if he were not a party. (S. C. C. & R. C.)

Special application to enforce appearance of party as witness.

237. If a party to a suit shall require to enforce the appearance of any other party thereto as a witness, he shall make a special application to the Court for an order requiring the appearance of such party, and shall show, to the satisfaction of the Court, sufficient ground in support of such application otherwise a summons shall not be issued. (S. C. C. & R. C.)

Court may first give notice fixing a day to show cause why he should not appear.

238. The Court, before making such order, may cause notice to be given to the party whose appearance is required, fixing a day for him to show cause why he should not appear and give evidence; and may also from time to time, for sufficient reason enlarge the time for such purpose. (S. C. C. & R. C.)

Written declaration in support of cause shown.

239. In support of the cause shown, the Court shall receive any declaration in writing of the party on unstamped paper, if signed by him and verified in the

manner hereinbefore provided for the verification of plaints. (S. C. C. & R. C.)

If no sufficient cause shown, order to issue.

240. If no sufficient cause be shown on the day fixed, or upon any subsequent day to which the Court shall enlarge the time for that purpose, the Court shall issue its order requiring the party to appear and give evidence. (S. C. C. & R. C.)

Court may of its own accord summon and examine any party as a witness.

241. If the Court shall think it necessary to examine any party to the suit or to inspect any document in his possession or power, the Court may, of its own accord at any stage of the suit, cause him to be summoned to appear as a witness to give evidence or to produce such document if in his possession or power on a day to be appointed in the summons, and may examine him as a witness, or may cause him to be examined in such other manner as the Court may direct. (S. C. C. & R. C.)

OF THE EXAMINATION BY THE COURT OF STRANGERS TO THE SUIT.

Court may of its own accord summon as witnesses strangers to suit.

242. If the Court shall at any time think it necessary to examine any person other than a party to the suit, and not named as a witness by a party to the suit, the Court may, of its own accord, cause such person to be summoned as a witness to give evidence, or to produce any document in his possession on a day to be appointed, and may examine such person as a witness. (S. C. C. & R. C.)

OF QUESTIONS RESPECTING RELIGION OR CUSTOM.

Provision as to question arising in Court subordinate to District Court, relating to the law of the religion or customs of any suitor.

243. In any suit pending in any Court subordinate to the District Court, in which any question relating to the law of the religion or the established customs of the parties or any of them shall arise, the Court may either take the evidence of any person learned in such law or customs, or may refer to any recognized authority thereupon, or may receive from any of the parties, a written opinion of any other person quoting or referring to any such authority; or the Court may, of its own accord, or on the application of any of the parties, refer the question, with a statement of such of the circumstances of the case as may appear necessary for the elucidation of the same, for the opinion of the District Court.

Procedure of District Court when such question referred to it.

244. The District Court may either decide the question so referred to it on evidence, or on any recognized authority or opinion as aforesaid taken, referred to, or received by it; or may of its own motion, or on the application of any of the parties, refer the question, with the statement of the case received from the Court below, for the opinion of the High Court.

And when arising in suit pending in such Court.

245. The District Court may proceed in the manner aforesaid in respect to any question of law relating to the religion or customs of the parties or any of them, arising in any suit pending in such Court.

Procedure of High Court as to such questions, either referred or arising in suit pending in such Court.

246. Whenever any such question as aforesaid may be referred for the opinion of the High Court, or whenever any such question as aforesaid may arise in any suit pending before the High Court, such Court may take the evidence of any person learned in the particular law or custom to which the question relates, or refer to any recognized authority thereupon, or receive from the parties or any of them a written opinion of any other person quoting or referring to any such authority.

Court referring any such question to stay decision pending receipt of opinion of higher Court.

247. Whenever any question may be referred as aforesaid for the opinion of the District Court, or of the High Court, the Court making such reference shall postpone its decision in the suit in which such question shall have arisen, until the receipt of the opinion of the District Court or of the High Court as the case may be, upon the question so referred.

Hearing of reference by Court to which it is made.

248. The Court to which the question is referred shall fix an early day for determining the same, which day shall be notified by a proclamation to be fixed up in the Court House. The parties to the suit in which such reference is made may appear and be heard on the question referred.

Transmission of decision of Court, and proceeding thereupon.

249. The Court shall transmit a copy of its decision, under the signature of the Judge or Registrar or Clerk of the Court and under the seal of the Court to the Court by which the reference was made, and such Court shall proceed to dispose of the question so referred conformably to such decision.

Decision of High Court to be communicated through District Court to subordinate Court.

250. If the suit is pending in a Court subordinate to the District Court, and the District Court shall have made a reference to the High Court, the decision of the High Court shall be communicated to the Court in which the suit is pending, through the District Court by which the reference was made.

Costs of reference.

251. Costs, if any, consequent on a reference under the foregoing provisions, shall be costs in the suit.

Procedure where case in which a District Court shall have given an opinion comes on appeal before such Court.

252. When any case in which the District Court shall have given an opinion on a question referred to it under Section 243 shall come in appeal before such Court, and the same point shall arise upon the

hearing of such appeal, the opinion so given shall be treated as binding upon the Court. Provided that if the Judge shall see reason to alter such opinion, or if the parties to the suit agree in requiring him to refer the point for the decision of the High Court, he may refer such point accordingly with his own opinion thereon.

High Court not to be bound by opinion given on reference.

253. In any case in which the High Court may have given an opinion on a question referred to such Court under Section 244 or Section 245, the opinion so given shall not be treated as binding upon the High Court in the event of the case coming thereafter before the Court in either regular or special appeal.

Questions referred to High Court to be determined by two or more Judges.

254. Questions referred under Section 244 and Section 245 for the opinion of the High Court shall be determined by not less than two Judges of such Court sitting together.

ATTENDANCE OF WITNESSES AND CONSEQUENCE OF NON-ATTENDANCE.

Persons summoned to give evidence must attend.

255. Any person, who shall be summoned to appear and give evidence in a suit, shall be bound to attend at the time and place named in the summons for that purpose. (S. C. C. & R. C.)

Consequences of non-attendance by witness.

256. If any person on whom a summons to give evidence or produce a document shall have been served shall, without lawful excuse, fail to comply with the summons, the Court may order such person to be apprehended and brought before the Court. If such person abscond or keep out of the way, so that he cannot be apprehended and brought before the Court, his property shall be liable to attachment and sale in the manner and subject to the rules provided in Sections 233, 234, and 235, with respect to any person on whom the service of a summons cannot be effected. (S. C. C. & R. C.)

Consequences of refusal to give evidence or produce documents.

257. If any person attending or being present in Court shall, without lawful excuse, refuse to give evidence, or to produce any document in his custody or possession named in such summons as aforesaid, upon being required by the Court so to do, the Court may commit him to jail for such time as it may deem proper, unless he shall, in the mean time, consent to give his evidence or to produce the document. If after the expiration of such time he shall persist in his refusal, the Court may proceed to deal with him according to the provisions of the Indian Penal Code or any other law for the punishment of persons refusing to give evidence. (S. C. C. & R. C.)

Consequences of party's non-attendance, refusal to give evidence or produce documents.

258. If any person being a party to the suit, who shall be ordered to attend to give evidence or produce a document shall, without lawful excuse, fail to comply with such order, or, attending or being present in Court shall, without lawful excuse, refuse to give evidence or to produce any document in his custody or possession named in such summons as aforesaid, upon being required by the Court so to do, the Court may either pass a decree against him, or make such other order in relation to the suit as the Court may deem proper. (S. C. C. & R. C.)

Any person present in Court may be called upon to give evidence though not summoned.

259. Any person present in Court, whether a party to the suit or not, may be called upon by the Court to give evidence and to produce any document then and there in his actual possession or in his power, in the same manner and subject to the same rules as if he had been summoned to attend and give evidence or to produce such document, and shall be liable to be dealt with by the Court in the same manner as a party or witness, as the case may be, would be liable, under any of the provisions hereinbefore contained, to be dealt with for any refusal to obey the order of the Court. (S. C. C. & R. C.)

OF THE EXAMINATION OF WITNESSES.

Witnesses to be examined at hearing in open Court.

260. On the day appointed for the hearing of the suit or on any other day to which the hearing may be adjourned, the evidence of the witnesses in attendance shall be taken orally in open Court, in the presence and hearing and under the personal direction and superintendence of the Judge. (S. C. C. & R. C.)

A witness may for sufficient cause be examined immediately.

261. If a witness be about to leave the jurisdiction of the Court or if other sufficient cause be shown to the satisfaction of the Court why his examination should be taken immediately, the Court may, upon the application of either party or of the witness, at any time after the institution of the suit, take the examination of such witness forthwith or on any day that may be fixed for that purpose, of which due notice shall be given to the parties if the day be fixed in their absence. The witness shall be examined, and his evidence shall be taken down in writing, in the manner hereinafter provided for the examination of witnesses; and the evidence so taken down may be read in evidence at any hearing of the suit. (S. C. C. & R. C.)

How evidence shall be taken in appealable cases.

262. In cases in which a regular appeal is allowed, the evidence of each witness shall be taken down in writing, in the language in ordinary use in proceedings before the Court, by or in the presence and under the personal direction and superintendence of the Judge, not ordinarily in the form of question and answer, but in that of a narrative, and, when completed, shall be read over in the presence of the Judge and of the witness, and shall, if necessary, be corrected, and shall be signed by the Judge. (R. C.)

Local Government may direct evidence to be taken down by Judge in his vernacular language.

263. The Local Government may order that the evidence of witnesses in any District or in any class of Courts in any District included in the Territories of such Local Government shall be taken down by the

Judge with his own hand in his vernacular language. When any such Judge is prevented by any sufficient reason from taking down the evidence of any witness, he shall record the reason of his inability to do so, and shall cause the evidence to be taken down in writing from his dictation in open Court. Any such order may be cancelled. (R. C.)

When witness may require his deposition to be interpreted.

264. If the evidence be taken down in a language different from that in which it shall have been given, and the witness does not understand the language in which it is taken down, the evidence as taken down in writing shall be interpreted to him in the language in which it was given. (R. C.)

When evidence may be taken in English.

265. If in a Court in which English is not the language in ordinary use the parties to the suit who are present, and the Advocates of such as are absent, consent to have such evidence as is given in English taken down in that language, the Judge may take down the evidence in English with his own hand. (R. C.)

Any particular question and answer may be taken down.

266. It shall be in the discretion of the Court to take down or cause to be taken down, any particular question and answer if there shall appear any special reason for so doing, or if any party to the suit or his Advocate shall require it. (R. C.)

Questions objected to.

267. If any question put to a witness be objected to, the question, whether the Court allow or forbid it to be put, shall be taken down. The answer shall also be taken down if the Court allow the question to be put; and the objection and the name of the party making it shall be noticed in taking down the evidence, together with the decision of the Court upon the objection. (R. C.)

Court may record remarks on demeanour of witnesses.

268. The Court may record such remarks as it may think material respecting the demeanour of any witness while under examination. (R. C.)

Memorandum when evidence is not taken down by Judge.

269. In cases in which the evidence is not taken down in writing by the Judge, he shall be bound, as the examination of each witness proceeds, to make a memorandum of the substance of what each witness deposes, and such memorandum shall be written and signed by the Judge with his own hand, and shall form part of the record. (R. C.)

Memorandum of evidence in unappealable cases.

270. In cases in which a regular appeal is not allowed, it shall not be necessary to take down the evidence of the witnesses in writing at length; but the Judge, as the examination of each witness proceeds, shall make a memorandum of the substance of what each witness deposes, and such memorandum shall be written and signed by the Judge with his own hand, and shall form part of the record. (S. C. C. & R. C.)

Judge unable to make such memorandum to record reason of his inability.

271. If the Judge shall be prevented from making a memorandum as above required, he shall record the reason of his inability to do so, and in cases in which a regular appeal is not allowed, he shall cause such memorandum to be made in writing from his dictation in open Court and shall sign the same, and such memorandum shall form part of the record. (S. C. C. & R. C.)

OF COMMISSIONS TO EXAMINE ABSENT WITNESSES, TO MAKE LOCAL ENQUIRIES, AND TO INVESTIGATE ACCOUNTS.

Witness not bound to appear if residing beyond a certain distance from Court.

272. No person shall be bound to appear in person to give evidence in a Court if he reside at a place distant more than fifty miles from the place at which the Court is held, unless the Court shall specially order that he shall appear, nor in any case if he reside at a place distant more than one hundred miles from the place at which the Court is held: Provided that if Railway communication exist between the place at which he resides and the place where the Court is held, or within a convenient distance from such places, the Court shall have a discretion as to making such order. (S. C. C. & R. C.)

Reasons to be recorded, of order for attendance of witness at a distance exceeding 50 miles.

273. The Court, on making an order for the attendance of a witness residing at a distance exceeding fifty miles by the ordinary means of communication from the place where the Court is held, shall record the reasons for making such order. (S. C. C. & R. C.)

Cases in which Court may issue Commission to examine witness.

274. The Court may order a Commission to issue for the examination on interrogatories or otherwise of any person who, under Section 272, is not bound to attend the Court, or who is required to give evidence only on a question relating to the law of the religion or established customs of the parties or any of them under Section 243, or Section 244, or Section 246, or who is from sickness or infirmity unable to attend, or who is a person exempted by any law for the time being in force, by reason of rank or sex, from appearing in Court. (S. C. C. & R. C.)

Order for Commission may be made either on application of parties or by Court of its own accord.

275. Such order as aforesaid may be made by the Court either of its own motion or on the application of any party to the suit or of the witness. The Court may, by the same or any subsequent order, give such directions as to taking the examination of an absent witness as shall seem proper. (S. C. C. & R. C.)

When witness resides within Court's jurisdiction.

276. If a Commission be issued for the examination of a person who is resident within the jurisdiction of the Court issuing the Commission, the Commission may be issued to any Officer of the Court or to any Court subordinate to such Court, or to

any other person whom the Court issuing the Commission may think proper to appoint to execute the same (S. C. C. & R. C.)

When witness resides beyond Court's jurisdiction, but in British India.

277. If the person be resident at some place in British India beyond the jurisdiction of the Court issuing the Commission, the Commission shall ordinarily be issued to any Court, not being a High Court, within whose jurisdiction he may reside, and which can most conveniently execute the same: Provided that, under special circumstances, the Commission may be issued to any person whom the Court issuing it may think proper to appoint. (S. C. C. & R. C.)

When witness is within local limits of ordinary original Civil jurisdiction of a High Court.

278. If the person be resident beyond the jurisdiction of the Court issuing the Commission and within the local limits of the ordinary original Civil jurisdiction of any High Court, the Commission shall be issued to the Court of Small Causes within whose jurisdiction the witness resides, or to any Court other than a High Court which may now exist or may hereafter be established with jurisdiction within the same local limits: Provided that, under special circumstances, the Commission may be directed to any person whom the Court issuing the Commission may think proper to appoint. (S. C. C. & R. C.)

When witness is not within British India, but within territories of friendly Native Prince or State.

279. In the case of a person resident at some place not within British India, but within the territories of a Native Prince or State in alliance with the British Government, the Court, if satisfied that the evidence of such person is necessary, may, of its own motion or on the application of any of the parties to the suit, issue a Commission for his examination: Provided that, if the suit be pending in any Court subordinate to the District Court, such subordinate Court shall not issue the Commission, but the District Court may issue the Commission on the application of the subordinate Court. (S. C. C. & R. C.)

When witness is not in British India, nor within territories of friendly Native Prince or State.

280. In the case of a person resident at some place neither within British India nor within the territories of a Native Prince or State in alliance with the British Government, the High Court, if the suit in which the evidence of the witness is required be pending in that Court, and the Court be satisfied that such evidence is necessary, may, of its own motion or on the application of any of the parties to the suit, issue a Commission for his examination. If the suit be pending in a Court subordinate to the High Court, the High Court may issue the Commission on the application of the Court in which the suit is pending. In all such cases the Commission may be issued to any person whom the High Court may think proper to appoint.

Commission to examine witness in jail.

281. If a person, whether he be a party to the suit or not, whose evidence is required, is in jail, the Court may issue a Commission to any Officer of the Court or other person to take the evidence of such person either upon written interrogatories or otherwise, and the Commissioner shall proceed to the jail in which such person is confined, and take his evidence in accordance with the instructions given by the Court in any part of the jail which the Officer in charge of the jail shall appoint. (S. C. C. & R. C.)

Persons in whose presence such examination to be held.

282. The examination of the person in jail whose evidence is required shall be taken in the presence of the parties to the suit or their Advocates or Agents or any of them, and such parties, Advocates or Agents, shall be allowed to cross-examine such person. The Officer in charge of the jail or some person appointed by him shall be present during the examination. (S. C. C. & R. C.)

Commission to examine witness in jail outside local limits.

283. If the jail in which the person whose evidence is required is confined, is not within the local limits of the jurisdiction of the Court in which the suit is brought, the Court may issue a Commission to any Court, other than a High Court, having jurisdiction at the place where such jail is situated, and the Court to which the Commission is issued shall proceed as provided in Section 281, the provisions of which as well as of Section 282 shall apply in such case. (S. C. C. & R. C.)

Commission when executed to be returned to Court issuing it with depositions of witnesses.

284. After the Commission has been duly executed, it shall be returned, together with the evidence taken under it, to the Court out of which it issued, unless the order for issuing the Commission shall have otherwise directed, in which case the Commission shall be returned in terms of such order, and the Commission and the return thereto, and the evidence taken under it, shall form part of the record of the suit. (S. C. C. & R. C.)

When depositions may be read in evidence.

285. Evidence taken under a Commission shall not be read as evidence in the suit without the consent of the party against whom the same may be offered, unless it be proved that the person who gave the evidence is beyond the jurisdiction of the Court, or dead or unable from sickness or infirmity to attend to be personally examined, or exempted by reason of rank or sex or by the provisions of Section 272 from personal appearance in Court, or unless the evidence is on a question relating to the law of the religion or established customs of the parties or any of them. (S. C. C. & R. C.)

Court may dispense with proof of circumstances mentioned in last Section.

286. The Court may at its discretion dispense with the proof of any of the circumstances mentioned in the last preceding Section, or may authorize the evidence of any person being read as evidence in the suit, notwithstanding proof that the cause for taking such evidence by Commission has ceased at the time of reading the same. (S. C. C. & R. C.)

287. In any suit in which the Court may deem a local investigation to be requisite or proper for the purpose of elucidating any matter in dispute, or of ascertaining the amount of any mesne profits or damages, the Court may issue a Commission to an Officer of the Court appointed to execute such Commissions, or if there be no such Officer, to any suitable person, directing him to make such investigation and to report thereon to the Court. (S. C. C. & R. C.)

Commission to make local investigations.

288. If in any case it shall appear desirable to employ an Officer of Government other than the Officer of the Court appointed to execute such Commissions, the Court may, with the consent of the immediate superior of the Officer whom the Court shall wish to employ, appoint him to make such investigation and report. (S. C. C. & R. C.)

Appointment of Government Officer as Commissioner.

289. The Commissioner, unless otherwise directed by the order of appointment, shall have power to examine the parties themselves and any witness whom they or any of them may produce, and any other person whom the Commissioner may think proper to call upon to give evidence in the matter referred to him. The Commissioner may also call for and examine documents and other papers relevant to the subject of enquiry. The Commissioner, after such local inspection as he may deem necessary, and after reducing to writing, in the manner hereinbefore prescribed for taking the evidence of witnesses in the presence of the Judge, the evidence taken by him, shall return such evidence, together with his report in writing, subscribed with his name, to the Court. (S. C. C. & R. C.)

Commissioner may examine parties and witnesses and call for papers.

290. The report of the Commissioner and the evidence taken by him shall be evidence in the suit and shall form part of the record; but it shall be competent to the Court, or to the parties to the suit or any of them, with the permission of the Court, to examine the Commissioner personally in open Court touching any of the matters referred to him or mentioned in his report, or as to the manner in which he may have conducted the investigation. (S. C. C. & R. C.)

Report and depositions to be evidence in suit.

Commissioner may be examined in person.

291. In any suit in which an investigation or adjustment of accounts may be necessary, the Court may appoint such Officer or other person as aforesaid to be a Commissioner for the purpose of making such investigation or adjustment. (S. C. C. & R. C.)

Commissioner to investigate and adjust accounts.

292. The Court shall furnish the Commissioner with such part of the proceedings and such detailed instructions as may appear necessary, and the instructions shall distinctly specify whether the Commissioner is merely to transmit the proceedings which he may hold on the enquiry or also to report his own opinion on the point referred for his investigation. (S. C. C. & R. C.)

Court to give Commissioner necessary instructions.

293. The proceedings of the Commissioner shall be received in evidence in the suit, unless the Court may have reason to be dissatisfied with them, in which case the Court shall direct such further enquiry as may be requisite, and shall make such decree or order as may appear to be proper. (S. C. C. & R. C.)

Proceedings of Commissioner may be received in evidence, but Court may make further inquiry if dissatisfied.

294. Whenever a Commission is issued under any of the foregoing provisions, the Court, before issuing the Commission, may order such sum as may be thought reasonable for the expenses of the Commission to be paid into Court by the party at whose instance or for whose benefit the Commission is issued. (S. C. C. & R. C.)

Expenses of Commission to be paid into Court.

295. The provisions of this Code relating to the summoning, attendance, and examination of witnesses and to the remuneration of, and penalties to be imposed upon, witnesses, shall apply to persons required to give evidence or to produce documents under the foregoing provisions relating to Commissions to examine persons whether parties to the suit or not, or make local enquiries, or to investigate or adjust accounts. Any penalty to which a witness may be liable under this Section, shall be imposed by the Court from which the Commission issued, on the application of the Commissioner. The Commissioner shall have the same powers, so far as he can exercise the same, as regards the summoning, examination, and remuneration of witnesses as the Court issuing the Commission. (S. C. C. & R. C.)

Attendance, examination, and punishment of witnesses summoned by Commission.

296. Whenever a Commission shall be issued under the provisions of this Chapter, the Court shall direct that the parties to the suit shall appear before the Commission in person or by their Agents or Advocates. If the parties do not so appear the Commissioner may proceed *ex parte*. (S. C. C. & R. C.)

Procedure *ex parte* where parties do not appear.

OF ASSESSORS.

297. In any Court to which the provisions of this Section and of the next succeeding Section shall be extended by an order of the Local Government to be notified in the Official Gazette, the Court may order the hearing of any suit to be conducted in the presence and with the aid of two or more Assessors as members of the Court. The Court shall have power to appoint such Assessors. (S. C. C.)

In certain Courts suits may be heard before Assessors.

298. The opinion of each Assessor, if given orally, shall be recorded in writing by the Court; but such opinion shall be in no way binding upon the Judge, with whom exclusively the decision of the suit shall rest. (S. C. C.)

Opinion of Assessors how to be given and recorded.

Of the Oath of the Parties.

Power to decide suit on statement on oath.

299. If the parties shall agree in writing that the decision shall rest on the statement whether on oath affirmation or otherwise of any one or more of the parties or of any other person, the Court may pass a decree accordingly. Such agreement may be on plain paper.

Of Judgment and Decree.

When judgment to be pronounced.

Judgment to be pronounced in open Court.

300. The Court after inspecting the documentary evidence and examining the witnesses of the parties and hearing the parties in person or by their respective Advocates, shall pronounce judgment in open Court either at once or on some future day, of which due notice shall be given to the parties or their Advocates. (S. C. C. & R. C.)

Judgment to be written in Judge's vernacular language.

Proviso.

301. The judgment shall be written in the vernacular language of the Judge: Provided that if such language be not English and the Judge be sufficiently conversant with the English language to be able to write a decision in that language, and prefer so to write it, the judgment may be written in English. (S. C. C. & R. C.)

Translation of judgment.

302. Whenever the judgment is written in any language other than that in ordinary use in proceedings before the Court, the judgment shall be translated into the language in ordinary use in such proceedings, and the translation shall also be signed by the Judge: Provided that if the judgment be written in English, it shall not be necessary to make a translation of it in suits in which a regular appeal is not allowed, unless any of the parties shall require such translation. (S. C. C. & R. C.)

Judgment to be dated and signed.

303. The judgment shall be dated and signed by the Judge in open Court at the time of pronouncing it. (S.C. C. & R. C.)

Judgments of Small Cause Courts.

Judgments of other Courts.

304. The judgments of the Courts of Small Causes shall not be required to contain more than the points for determination and the decision thereupon. The judgments of all other Courts shall, in addition to the points for determination and the decision thereon, contain the reasons for such decision. (S. C. C. & R. C.)

Court to state its decision on each issue:

Exception.

305. In suits in which issues have been framed, the Court shall state its finding or decision, with the reasons thereof, upon each separate issue, unless the finding upon any one or more of the issues be sufficient for the decision of the suit.

Judgment to direct by whom costs are to be paid.

306. The judgment shall direct by whom the costs of each party are to be paid, whether by himself or by any other party to the suit, and whether in whole or in what part or proportion. The Court shall have full power to award and apportion the costs in any manner it may deem proper. (S. C. C. & R. C.)

Costs may be set-off against sum admitted to be due.

307. The Court may direct that the costs payable to one party by another shall be set-off against a sum which the former shall admit to be due from him to the latter. (S. C. C. & R. C.)

Interest on costs.

Costs may be charged on subject-matter of suit.

308. The Court may give interest on costs at six per cent. per annum, and direct that costs, with or without interest, be made a charge on the subject-matter of the suit. (S. C. C. & R. C.)

Date of decree.

309. The decree shall bear date the day on which the judgment was pronounced. (S. C. C. & R. C.)

Contents of decree.

310. The decree shall contain the number of the suit, the names and descriptions of the parties, and particulars of the claim, as stated in the Register of the suit, and shall specify clearly the relief granted or other determination of the suit. It shall also state the amount of costs incurred in the suit and by what parties and in what proportions they are to be paid, and shall be signed by the Judge and sealed with the seal of the Court. (S. C. C. & R. C.)

Decree for recovery of portion of immovable property.

311. When the suit is for immovable property with specified boundaries, if the decree be for the recovery of a portion only of such property, it shall specify the boundaries of the land or other property decreed.

Memorandum of decree to be sent to District Registrar.

312. A memorandum of such decree shall, in pursuance of the forty-fifth Section of Act XVI of 1864, *(to provide for the Registration of Assurances)*, be sent to every District Registrar within the local limits of whose jurisdiction such immovable property or any part thereof is situate.

Decree for delivery of movable property.

313. When the suit is for movable property, if the decree be for the delivery of such property, it shall also state the amount of money to be paid as an alternative if delivery cannot be had. (S. C. C. & R. C.)

Circumstances in which specific performance may be enforced.

314. When a suit has been brought to compel specific performance of a contract, if it appear to the Court that the consideration is adequate, that the contract is reasonably certain, that the defendant

is able to perform it, and that the performance would not impose extreme and immoderate hardship upon him, the Court may declare that the contract shall be specifically performed, and decree the same accordingly. (S. C. C.)

Decree in alternative for damages in suit for specific performance.

315. The Court may also declare that, in the event of the contract not being specifically performed, the defendant shall pay to the plaintiff as damages a sum of money to be assessed by the Court in substitution for such performance. Such damages shall be recoverable at the option and on the application of the plaintiff. (S. C. C.)

Damages when contract not specifically performed.

316. If it shall appear that the defendant is unable to perform the contract, or that, though he may be able to perform it, the consideration is greatly inadequate, or that the contract is not reasonably certain, or that the result of performing it would impose extreme and immoderate hardship upon him, the Court may declare that the defendant shall pay to the plaintiff damages to be assessed in such manner as the Court shall direct: Provided that the Court may decree as liquidated damages any sum that the parties may have agreed should be paid in the event of a breach of the contract, without reference to the extent of the injury sustained.

Explanations (*a.*)—The adequacy of the consideration is to be judged with reference to the time at which the contract was made.

(*b.*)—The certainty required must be a reasonable one, having regard to the subject-matter of the contract, and the circumstances in and with reference to which it was entered into. (S. C. C.)

Decree in alternative for specific performance in suit for damages for breach of contract.

317. When the suit is for damages for breach of contract, if it appear that the defendant is able to perform the contract, the Court, with the consent of the plaintiff, may decree the specific performance of the contract within a time to be fixed by the Court, and in such case shall award an amount of damages to be paid as an alternative if the contract is not performed. (S. C. C.)

In suits for money, decree may order certain interest to be paid on principal sum adjudged.

318. When the suit is for a sum of money due to the plaintiff, the Court may, in the decree, order interest at such rate as the Court may think proper to be paid on the principal sum adjudged from the date of suit to the date of the decree, in addition to any interest adjudged on such principal sum for any period prior to the date of suit, with further interest on the aggregate sum so adjudged and on the costs of the suit from the date of the decree to the date of payment. (S. C. C. & R. C.)

Payment by instalments.

319. In all decrees for the payment of money, the Court may for any sufficient reason order that the amount shall be paid by instalments with or without interest. (S. C. C. & R. C.)

In suits for land, Court may decree payment of mesne profits with interest.

320. When the suit is for land or other property paying rent, the Court may provide in the decree for the payment of mesne profits or rent in respect of such property from the date of the suit until the date of delivery of possession to the party in whose favour the decree is made, with interest thereupon at such rate as the Court may think proper.

Court may determine amount of mesne profits prior to passing decree or may reserve enquiry.

321. When the suit is for land and for mesne profits which have accrued on the land during a period prior to the date of suit, and the amount of such profits is disputed, the Court may either determine the amount prior to passing a decree for the land, or may pass a decree for the land and reserve the enquiry into the amount of mesne profits for the execution of the decree according as may appear most convenient.

If set-off be allowed.

322. If the defendant shall have set-off the amount of a debt against the claim of the plaintiff, the decree shall state what amount is due to the plaintiff and what amount (if any) is due to the defendant, and shall be for the recovery of any sum which shall appear to be due to either party. The decree of the Court with respect to any sum awarded to the defendant shall have the same effect and be subject to the same rules in respect of appeal or otherwise as if such sum had been claimed by the defendant in a separate suit against the plaintiff. (S. C. C.)

Effect of decree.

If decree be for a sum of money not exceeding Rs. 1,000, Court may on verbal application direct immediate execution.

323. When a decree is passed for a sum of money only and the amount decreed shall not exceed the sum of one thousand rupees, the Court may, at the same time that it passes the decree, on the verbal application of the party in whose favour the decree is made, order immediate execution thereof by the issue of a warrant directed either against the person of the defendant if he is within the local limits of the jurisdiction of the Court, or against the personal property of the defendant within the same limits. (S. C. C. & R. C.)

Warrant against movable property may be general or special.

324. If the warrant be directed against the movable property of the defendant, it may be general against any of his movable property wherever it may be found within the local limits of the jurisdiction of the Court, or special against any of his movable property within the same limits which shall be indicated by the party in whose favour the decree is made. (S. C. C. & R. C.)

Certified copies of decree and judgment to be furnished.

325. Certified copies of the decree and judgment, or of either the decree or judgment shall be furnished to the parties on application to the Court, and on the production of the necessary stamp paper for making such copies where a stamp is required by law. The application may be made either orally or by writing on unstamped paper. Copies of the decree and

judgment may be taken on the same sheet of stamp paper if it be capable of containing them. (S. C. C. & R. C.)

CHAPTER V.

OF THE EXECUTION OF DECREES.

Decree for immovable property.

326. If the decree be for any immovable property, possession thereof shall be delivered over to the party to whom it shall have been adjudged. (R. C.)

Decree for specific movable.

327. If the decree be for any specific movable, it shall be enforced by the seizure, if practicable, of the specific movable and by the delivery thereof to the party to whom it shall have been adjudged.

Enforcement by attachment or imprisonment of decree for specific performance.

328. A decree for the specific performance of a contract may be enforced by the imprisonment of the party against whom the decree is made, or by the attachment of his property, or by both the imprisonment of the party and the attachment of his property. The imprisonment and attachment may be continued until the party against whom the decree is made shall comply with the terms of it, or for such time as the Court shall order: Provided that no person shall be imprisoned under this Section for a longer period than six months. (S. C. C.)

Payment of money ordered to be paid under Section 313, 315, or 316, how to be enforced.

329. Payment of a sum of money ordered to be paid under Section 313, Section 315 or Section 316 shall be enforced in the manner hereinafter provided for the execution of a decree for money. (S. C. C. & R. C.)

Decree for money.

330. If the decree be for money, it shall be enforced by the imprisonment of the party against whom the decree is made, or by the attachment and sale of his property, or by both. (S. C. C. & R. C.)

Enforcement of decree for money against a plaintiff.

331. If in any suit a decree for money is passed against a plaintiff, the decree may be enforced against him in the same manner as a decree may be enforced against a defendant. (S. C. C.)

Decree for execution of conveyances, or endorsement of negotiable instruments.

332. If the decree be for the execution of a conveyance, or for the endorsement of a negotiable instrument, and the party ordered to execute such conveyance or endorse such instrument shall neglect or refuse to comply with the order, the party in whose favour the decree is made may prepare the draft of a conveyance or endorsement in accordance with the terms of the decree, and deliver a copy of the draft to the party so ordered to execute or endorse and tender another copy of the same to the Court for execution upon the proper stamp paper if a stamp is required by law. The Court shall thereupon execute such draft conveyance or endorsement and if it think fit, may, alter the same in accordance with the terms of the decree and execute the conveyance or endorsement so altered: Provided that if either party object to the draft so tendered as aforesaid, his objections shall within eight days of such delivery be stated in writing and argued before the Court, and the Court shall thereupon pass such order as it may think fit and execute or alter and execute the draft in accordance therewith. (S. C. C. & R. C.)

Form and effect of execution of conveyance by Court.

333. The execution of a conveyance or the endorsement of a negotiable instrument by the Court under the last preceding Section shall be in the following form—" C. D. Judge of the Court of *(or as the case may be)* for A. B., in a suit by E. F. against A. B.—" and shall have the same effect as the execution of the conveyance or endorsement of the instrument by the party ordered to execute or endorse the same. (S. C. C. & R. C.)

If decree be against Government or Officer on behalf of Government.

334. If the decree be against Government or against an Officer acting on behalf of Government, and the Officer against whom execution is applied for neglect or refuse to satisfy the decree, the Court, if it be a subordinate Court, shall report the case through the High Court for the orders of the Local Government. If any such decree be passed by the High Court on its original side, the High Court shall in case of such neglect or refusal report the case for the orders of the Local Government. Execution shall not issue on the decree unless the decree shall remain unsatisfied for the period of three months calculated from the date of such report. (S. C. C.)

Decree against representative of deceased person for money to be paid out of deceased's property.

335. If the decree be against a party as the representative of a deceased person, and the decree be for money to be paid out of the property of the deceased person, it may be executed by the attachment and sale of any such property, or if no such property can be found and the defendant fail to satisfy the Court that he has duly applied for such property of the deceased as shall be proved to have come into his possession, the decree may be executed against the defendant to the extent of the property not duly applied by him, in the same manner as if the decree had been against him personally. (S. C. C. & R. C.)

Decree against surety.

336. Whenever a person has become liable as surety for the performance of a decree or of any part thereof, the decree may be executed against such person to the extent to which he has rendered himself liable, in the same manner as a decree may be executed against a defendant. (S. C. C. & R. C.)

Property liable to attachment and sale in execution of decree.

337. The following property is liable to attachment and sale in execution of a decree, namely, lands, houses or other buildings, goods, money, bank-notes, cheques, bills of exchange, promissory notes, Government

securities, bonds or other securities for money, debts, shares in the capital or joint-stock of any Railway, Banking or other Public Company or Corporation, and all other property whatsoever, movable or immovable, belonging to the defendant, and whether the same be held in the name of the defendant or by another person in trust for him, or on his behalf: Provided that nothing contained in this Section shall be held to give any Court of Small Causes power to attach and sell in execution of a decree passed by such Court any property which Courts of Small Causes are prohibited by law from attaching and selling in execution of their decrees. (S. C. C. & R. C.)

Payment of monies under decree to be made into Court.

338. All monies payable under a decree shall be paid into the Court whose duty it is to execute the decree, unless such Court or the Court which passed the decree shall otherwise direct. (S. C. C. & R. C.)

Adjustment of decree to be made through Court.

339. Except as provided in the last preceding Section, no adjustment of a decree in part or in whole shall be recognized by the Court unless such adjustment be made through the Court, or be certified to the Court by the person in whose favour the decree was passed or to whom it may have been transferred. (S. C. C. & R. C.)

APPLICATION FOR EXECUTION.

Application for execution.

340. When a party in whose favour a decree has been passed is desirous of enforcing it, he shall apply to the Court which passed the decree, or to the Court whose duty it is under this Code or any other law to execute the decree, to execute the same. (S. C. C. & R. C.)

Any one of several decree-holders may apply.

341. If a decree shall have been passed in favour of more persons than one, any one of such persons may apply for the execution of the decree, and if the Court shall see sufficient cause for allowing the decree to be executed on an application so made, it shall pass such order as it may deem necessary for protecting the interests of the persons who shall not have joined in the application. (S. C. C. & R. C.)

Application by transferree of decree.

342. If a decree be transferred by assignment or by operation of law from the party in whose favour it was passed to any other person, application for execution may be made by the person to whom the decree shall have been so transferred, and if the Court shall think proper to grant the application, the decree may be executed in the same manner and subject to the same conditions, as if the application were made by the party in whose favour the decree was passed. (S. C. C. & R. C.)

Cross-decrees.

343. If cross-decrees between two parties for the payment of money be produced to the Court, and whether or not either of such parties be the original holder or an assignee of the decree, execution shall be taken out only by the party who shall hold a decree for the larger sum, and for so much only as shall remain after deducting the smaller sum, and satisfaction for the smaller sum shall be entered on the decree for the larger sum as well as satisfaction on the decree for the smaller sum. If the two sums be equal, satisfaction shall be entered upon both decrees. (S. C. C. & R. C.)

Stay of execution pending suit between decree-holder and judgment-debtor.

344. If a suit or appeal be pending in any Court against the holder of a decree of such Court, on the part of the person against whom the decree was passed, the Court may stay execution on the decree either absolutely or on such terms as it may think just, until the pending suit or appeal has been decided. (S. C. C. & R. C.)

If person against whom decree made die before execution, application may be made against his representative or estate.

345. If any person against whom a decree has been passed shall die before it has been fully executed, application may be made for its execution against the representative or the estate of the deceased. (S. C. C. & R. C.)

Notice of application to be given to representative.

346. Notice of an application under the last preceding Section shall be given to the person named therein as the representative of the deceased or as the person in charge of his estate, and if the Court after hearing such representative or other person against the application, shall think proper to grant the same, the execution may be proceeded with against such representative or estate. (S. C. C. & R. C.)

Execution of decree against representative.

347. If a decree be ordered to be executed against the representative of the party against whom the decree was made, it shall be executed in the manner provided in Section 335 for the execution of a decree for money to be paid out of the property of a deceased person. (S. C. C. & R. C.)

Form of application for execution of decree.

348. The application for the execution of a decree shall be in writing, and shall contain in a tabular form the following particulars, namely, the number of the suit; the names of the parties; the date of the decree; whether any appeal has been preferred from the decree, and whether any and what adjustment of the matter in dispute has been made between the parties subsequently to the decree; the amount of the debt or damage with the interest, if any, due upon the decree, or other relief granted by the decree; the amount of costs, if any were awarded; the name of the person against whom the enforcement of the decree is sought, and the mode in which the assistance of the Court is required, whether by the delivery of property specifically decreed, by the arrest and imprisonment of the person named in the application, or by the attachment of his property or otherwise. (S. C. C. & R. C.)

Further particulars when application is for attachment of immovable property.

349. If the application be for the attachment of any immovable property belonging to the defendant, the application shall contain at the foot such a description of the property as may be sufficient to identify it, and also a specification of the share or interest of the defendant therein to the best of the belief of the applicant and so far as he has been able to ascertain the same.

In certain cases application to be accompanied by extract from Collector's Register.

350. If the property be land which, whether it pays revenue to Government or not, is registered in the Collector's Office, the application for attachment shall be accompanied by an authenticated extract from the register of such Office, specifying the persons registered as proprietors of, or as possessing any transferable interest in, the land or its revenue, and (where registered) the shares of the registered proprietors.

Application for attachment of movable property may be general, or may be accompanied with inventory of property to be attached.

351. An application for an attachment of the movable property of the defendant or any part thereof, may be accompanied with an inventory or list of the property to be attached, containing a reasonably accurate description of the same; or the decree-holder may apply for a general attachment of the movable property of the defendant wheresoever the same can be found, to the amount of the decree and costs. (S. C. C. & R. C.)

Procedure on receiving application for execution of decree.

352. The Court, on receiving an application for the execution of a decree containing the particulars mentioned in Section 348, or such of them as may be applicable to the case, shall enter in the register of the suit a note of the application and the date on which it was made. (S. C. C. & R. C.)

Procedure if particulars do not correspond with decree.

353. If the particulars do not correspond with the decree, the Court shall either return the application for correction to the person making it, or shall, with his consent, cause the necessary correction to be made. (S. C. C. & R. C.)

If application admitted, execution ordered.

354. If the application be admitted, the Court shall order execution of the decree according to the nature of the application. (S. C. C. & R. C.)

MEASURES REQUIRED IN CERTAIN CASES PRELIMINARY TO THE ISSUE OF THE WARRANT.

When notice to show cause why decree should not be executed shall be issued.

355. If more than one year shall have elapsed between the date of the decree and the application for its execution, or if the enforcement of the decree be applied for against the representative of a party to the suit in which the decree was made, the Court shall issue a notice to the party against whom execution is applied for, requiring him to show cause, within a period to be fixed by the Court, why the decree should not be executed against him: Provided that no such notice shall be necessary in consequence of more than one year having elapsed between the date of the decree and the application for execution, if the application be made within one year from the date of the last order passed on any previous application for execution: Provided also that no such notice shall be necessary in consequence of the application being against the representative of the party against whom the decree was made, if upon a previous application for execution against the same person, the Court shall have ordered execution to issue against him. (S. C. C. & R. C.)

Proviso.

Procedure after issue of notice.

356. If the person to whom notice is issued under the last preceding Section shall not appear, or shall not show cause to the satisfaction of the Court why the decree should not be executed, the Court shall order the decree to be executed. If such person shall offer any objection to the enforcement of the decree, the Court shall pass such order as may appear to be proper. (S. C. C. & R. C.)

On application for general attachment of movable property, security may be required.

357. If the application is for a general attachment of the movable property of the party liable under the decree, the Court may, before issuing an order for such attachment, require the applicant to give security to the satisfaction of the Court, in such sum as may be considered adequate, for any injury that may be occasioned by the attachment of property belonging to any person other than the party liable as aforesaid. (S. C. C. & R. C.)

Before granting order, Court may make enquiries as to the property to be attached.

358. Before granting the order for a general attachment, or at the instance of the holder of the decree at any time before its complete execution, the Court may summon the person against whom the application is made and examine him as to the property liable to be seized in satisfaction of the decree. (S. C. C. & R. C.)

Court may summon and examine other persons as to property liable to be seized.

359. The Court may, of its own motion or at the instance of any person interested in the enquiry, summon any other person whom it may think necessary and examine him in respect to any property liable to be seized in satisfaction of the decree, and may require the person summoned to produce any document in his possession or power relating to such property. (S. C. C. & R. C.)

ISSUE OF THE WARRANT.

Warrant when to issue.

360. When the preliminary measures (if any) required by the foregoing provisions have been taken, the Court, unless it see cause to the contrary, shall issue its warrant for the execution of the decree. (S. C. C. & R. C.)

How to be dated, signed, &c.

361. The warrant for the execution of the decree shall bear the date of the day on which it is issued

and shall be signed by the Judge, or the Registrar or Clerk of the Court, and shall be sealed with the seal of the Court, and delivered to the proper Officer to be executed. (S. C. C. & R. C.)

Warrant for arrest to direct defendant to be brought up.

362. If the warrant be for the arrest of the defendant, it shall direct the Officer entrusted with the execution of the warrant to bring the defendant before the Court. (S. C. C. & R. C.)

Latest day for return of warrant to be specified.

363. A day shall be specified in the warrant on or before which it is to be returned. (S. C. C. & R. C.)

Endorsement on warrant.

364. The Officer entrusted with the execution of the warrant shall endorse thereupon the day on, and the manner in, which it was executed; or if it was not executed, the reason why it was not executed, and shall return the warrant with such endorsement to the Court. (S. C. C. & R. C.)

Of the Execution of Decrees for Immovable Property.

Delivery of immovable property when in occupancy of defendant or of some person under him.

365. If the decree be for any immovable property in the occupancy of the defendant or some person on his behalf, or of some person claiming under a title created by the defendant subsequently to the institution of the suit in which the decree was passed, the Court shall order delivery to be made by putting the party to whom the property shall have been adjudged, or any person whom he may appoint to receive delivery on his behalf, in possession of the property, and, if need be, by removing any person who may refuse to vacate the same.

Delivery of immovable property when in occupancy of tenant.

366. If the decree be for any immovable property in the occupancy of a tenant or other person entitled to occupy the same, the Court shall order delivery to be made by affixing a copy of the warrant in some conspicuous place on the property, and proclaiming to the occupant by beat of drum, or in such other mode as may be customary, at some convenient place, the substance of the decree in regard to the property.

Partition of estate or separation of share.

367. If the decree be for the partition of an estate, or for the separate possession of a share of an undivided estate paying revenue to Government, the partition of the estate or the separation of the share shall be made according to the rules (if any) in force in the District for the partition of an estate paying revenue to Government.

Procedure in case of obstruction to execution of decree for immovable property.

368. If in the execution of a decree for any immovable property, the Officer entrusted with the execution of the warrant shall be resisted or obstructed by any person, the person in whose favour the decree was made may complain to the Court at any time within one month from the time of such resistance or obstruction. The Court shall fix a day for investigating the complaint, and shall summon the party against whom the complaint is made to answer the same.

Procedure in case of obstruction by defendant or at his instigation.

369. If it shall appear to the satisfaction of the Court that the obstruction or resistance was occasioned by the defendant or by some person at his instigation, on the ground that the property is not included in the decree or on any other ground, the Court shall enquire into the matter of the complaint and pass such order as may be proper.

Procedure when obstruction continues.

370. If the Court shall be satisfied that the resistance or obstruction complained of was without any just cause, and that the complainant is still resisted or obstructed in obtaining effectual possession of the property adjudged to him by the decree, by the defendant or some person at his instigation, the Court may, at the instance of the decree-holder, and without prejudice to any proceedings to which such defendant or other person may be liable under the Indian Penal Code or any other law for the punishment of such resistance or obstruction, commit the defendant or such other person to jail for any period not exceeding thirty days which may be necessary to prevent the continuance of such obstruction or resistance.

Procedure in case of obstruction by *bonâ fide* claimant, other than defendant.

371. If the resistance or obstruction to the execution of the decree has been occasioned by any person other than the defendant, claiming *bonâ fide* to be in possession of the property on his own account or on account of some person other than the defendant, the claim shall be numbered and registered as a suit between the decree-holder as plaintiff and the claimant as defendant, and the Court shall, without prejudice to any proceedings to which the claimant may be liable under the Indian Penal Code or any other law for the punishment of such resistance or obstruction, proceed to investigate the claim in the same manner and with the like power as if a suit for the property had been instituted by the decree-holder against the claimant under the provisions of Chapter IV, and shall pass such order for staying execution of the decree or executing the same, as it may deem proper.

Procedure in case of person dispossessed of property disputing right of decree-holder to be put into possession.

372. If any person other than the defendant shall be dispossessed of any property in execution of a decree and such person shall dispute the right of the holder of the decree to dispossess him of such property under the decree, on the ground that the property was *bonâ fide* in his possession on his own account or on account of some person other than the defendant, and that it was not included in the decree, or that, if it was included in the decree, he was not a party to the suit in which the decree was passed, he may apply to the Court within one month from the date of such dispossession; and if, after examining the applicant, it shall appear to the Court that there is probable cause for making the application, the application shall be numbered and

registered as a suit between the applicant as plaintiff and the holder of the decree as defendant, and the Court shall proceed to investigate the matter in dispute in the same manner and with the like power as if a suit for the property had been instituted by the applicant against the holder of the decree under the provisions of Chapter IV.

Orders passed under Sections 371 and 372 to have the force of a decree, and to be subject to regular appeal.

373. The order passed under either of Sections 371 and 372 shall be in the nature of, and shall have the same force as, a decree in a suit, and shall be subject to the same conditions as to appeal or otherwise. No fresh suit shall be entertained in any Court between the same parties or persons claiming under them, in respect of the same cause of action: Provided that nothing in the last preceding Section shall prevent any person, instead of applying to the Court as provided therein, from instituting a suit to establish his right to the property of which he may consider himself to have been wrongfully dispossessed.

Of the Execution of Decrees for Money by Attachment of Property.

Attachment of property in execution of decree for money.

374. If the decree be for money, and the amount of the decree is to be levied from the property of the person against whom the decree shall have been passed, the Court shall cause the property to be attached in the manner hereinafter provided. (S. C. C. & R. C.)

Attachment of movable property in possession of defendant.

375. If the property be movable property in the possession of the defendant, other than the property mentioned in Section 377, the attachment shall be made by actual seizure, and the proper Officer shall, except in the case of perishable articles, which he may sell at once, keep the property in his own custody or in the custody of one of his subordinates, and shall be responsible for the due custody thereof. (S. C. C. & R. C.)

Attachment of movable property of defendant subject to lien.

376. If the property be movable property to which the defendant is entitled subject to a lien or right of some other person to the immediate possession thereof, the attachment shall be made by a written order prohibiting the person in possession from giving over the property to the defendant. (S. C. C. & R. C.)

Attachment of debts, and shares in public Companies.

377. If the property be a debt, not being a negotiable instrument, or a share in any public Company or Corporation, the attachment shall be made by a written order prohibiting the creditor from receiving the debt and the debtor from making payment thereof to any person until the further order of the Court, or prohibiting the person in whose name the share may be standing from making any transfer of the share or receiving payment of any dividend thereon, and the proper Officer of the Company or Corporation from permitting any such transfer or making any such payment, until such further order. (S. C. C. & R. C.)

Attachment of immovable property.

378. If the property be immovable, the attachment shall be made by a written order prohibiting the defendant from alienating the property in any way and all persons from receiving the same by purchase, gift or otherwise. (R. C.)

Prohibitory order in case of movable property not in defendant's possession.

379. In the case of movable property not in the possession of the defendant, a copy of the order shall be fixed up in some conspicuous part of the Court-house, and a copy of the order shall be delivered or sent registered by post to the person in possession of the property. (S. C. C. & R. C.)

And in case of immovable property.

380. In the case of immovable property, the order shall be read aloud at some place on or adjacent to such property, and a copy of the order shall be fixed up in a conspicuous part of the Court-house. When the property is land or any interest in land, a copy of the order shall also be fixed up in the Office of the Collector of the District in which the land is situate. (R. C.)

Attachment, by notice, of money or securities in deposit in a Court of Justice or with a Government Officer.

381. If the property consist of money or of any security in deposit in any Court of Justice or in the hand of any Officer of Government, which is or may become payable or deliverable to the defendant or on his behalf, the attachment shall be made by a notice to such Court or Officer requesting that the money or security and any interest or dividend becoming payable thereon may be held subject to the further orders of the Court: Provided that if such money or security is in deposit in a Court of Justice, any question of title or priority which may arise between the decree-holder and any other person, not being the defendant, claiming to be interested in such money or security by virtue of any assignment, attachment or otherwise, shall be determined by the Court in which such money or security is in deposit. (S. C. C. & R. C.)

Proviso.

Attachment of negotiable instruments.

382. If the property consist of a negotiable instrument, the attachment shall be made by actual seizure, and the instrument shall be brought into Court and shall be held subject to the further orders of the Court. (S. C. C. & R. C.)

Notification of prohibitory order in case of debt.

383. If the property consist of a debt, a copy of the order shall be fixed up in some conspicuous part of the Court-house, and a copy of the order shall also be delivered or sent registered by post to the debtor, or to each debtor when there are more debtors than one. (S. C. C. & R. C.)

384. If the property consist of a share in the capital or joint-stock of any public Company or Corporation, a copy of the order shall be fixed up in some conspicuous part of the Court-house, and a copy of the order shall also be delivered or sent registered by post to the proper Officer of the Company or Corporation. (S. C. C. & R. C.)

And in case of shares in any Company or Corporation.

385. When an attachment shall have been made by actual seizure or by written order as aforesaid, and in the case of an attachment by written order, when it shall have been duly intimated and made known in manner aforesaid, any private alienation of the property attached, whether by sale, gift or otherwise, and any payment of debt or dividend or share to the defendant during the continuance of the attachment, shall be void as against the party on whose application the attachment was made, if the claim of such party shall not have been satisfied. (S. C. C. & R. C.)

Private alienation of property after attachment to be void.

386. When a debtor is prohibited under Section 377 from making payment of his debt to the party to whom the money is owing, he may pay the amount into Court, and such payment shall have the same effect as payment to the party entitled to receive the same. (S. C. C. & R. C.)

Payment by a debtor who has been prohibited from making payment to his creditor.

387. If the property attached is money or bank-notes, the Court may, at any time during the attachment, direct that such money or bank-notes or a sufficient part thereof be paid over to the party entitled under the decree to receive the same. (S. C. C. & R. C.)

Court may direct money or bank-notes attached to be paid to party entitled.

388. The Court may direct that any immovable or movable property not being money or bank-notes which shall have been attached or such portion thereof as may seem necessary for the satisfaction of the decree, shall be sold, and that the money which may be realized by such sale, or a sufficient portion thereof, shall be paid to the party entitled under the decree to receive the same. (S. C. C. & R. C.)

Or that immovable or movable property attached be sold, and proceeds be so paid.

389. When the property attached is land, if the defendant can satisfy the Court that there is reasonable ground to believe that the amount of the decree may be raised by the mortgage of the land, or by letting it on lease, or by disposing by private sale of a portion of the land or of any other property belonging to the defendant, the Court may, on the application of the defendant, postpone the sale for such period as it may think proper, to enable him to raise the amount. In such case the Court shall grant a certificate to the defendant authorizing him within a period to be mentioned therein to sell or mortgage the land or to let it on lease. So long as such certificate shall remain in force, the provision contained in Section 355 shall not apply.

Court may postpone sale of land to enable defendant to raise amount of decree by mortgage, lease or private sale of a portion.

390. When the property attached consists of debts due to the defendant or of any immovable property, the Court may, instead of ordering the sale of the property, appoint a Manager thereof, with power to sue for the debts, and to collect the rents or other receipts and profits of the property, and to execute such instruments in writing as may be necessary, and to pay and apply such rents, profits or receipts towards the payment of the amount of the decree and costs. Instruments executed by a Manager appointed under this Section shall be of the same force as if executed by the person to whom the debts which such Manager is empowered to recover are due, or to whom the property belongs.

When property attached consists of debts or immovable property, Manager may be appointed.

391. When a Manager shall be appointed under the last preceding Section, the Court may allow him such fee or commission on his receipts or on the rents and profits of the property by way of remuneration, and may grant him all such powers for the management or the preservation and improvement of the property, and the collection of the rents and profits thereof, and the application and disposal of such rents and profits as to the Court may seem proper. The Manager so appointed shall be bound to render correct accounts of his receipts and disbursements from time to time as the Court may direct.

Remuneration, powers and duties of Manager.

392. When in any District in which sales of land paying revenue to Government in execution of decrees for money are ordinarily made by the Collector, the property attached consists of such land or of a share in such land, and the Collector shall represent to the Court that the public sale of the land or share is objectionable, and that satisfaction of the decree may be made within a reasonable period by a temporary alienation of the land or share, the Court may authorize the Collector to make provision for such satisfaction in the manner recommended by the Collector, instead of proceeding to a sale of the land or share. In any case in which such authority is given, the Court may order that security be taken from the defendant for the amount of the decree.

When Court may authorize Collector to stay public sale of land.

Court may order security to be taken.

393. If at the time of this Code coming into operation in any part of British India, any special Rules shall be in force in such part imposing conditions in respect to the sale of land in execution of decrees for money, the Local Government may continue such Rules in force or it may from time to time modify the same with the sanction of the Governor-General of India in Council. The Rules so in force shall, on this Code coming into operation in such part of British India, be published in the Official Gazette, and any modification of such Rules which may thereafter be made shall be published in like manner.

Special rules in force in any place, in respect to sales of land in execution of decrees for money, may be continued or altered by Local Government.

394. If the amount decreed with costs and all charges and expenses which may be incurred by the attachment of any property be paid into Court, or if satisfaction of the decree be otherwise made, an order shall be issued for the withdrawal of the attachment. If the defendant shall desire it and shall deposit in Court a sum sufficient to cover the expense, the order shall be proclaimed or intimated in the same manner as hereinbefore prescribed for the proclamation or intimation of the attachment, and such steps shall be taken as may be necessary for staying further proceedings in execution of the decree. (S. C. C. & R. C.)

Order for withdrawal of attachment after satisfaction of decree.

Of Claims to attached Property.

395. If any claim be preferred to, or any objection be made to the sale of, any property, which shall have been attached in execution of a decree, as not liable to be sold in execution of the decree against the defendant, the Court shall, subject to the proviso contained in Section 399, proceed to investigate the claim or objection with the like power as regards the examination of the claimant or objector and in all other respects as if he had been originally made a defendant in the suit. (S. C. C. & R. C.)

Investigation of claims and objections to sale of attached property.

396. If the property attached be immovable and it appear to the satisfaction of the Court that such property was not at the time it was attached in the possession of the party against whom execution is sought or of some other person in trust for him, or in the occupancy of a tenant or other person paying rent to him, or that, being in the possession of the party himself at such time, it was so in his possession, not on his own account or as his own property, but on account of or in trust for some other person, the Court shall pass an order for releasing the property from attachment. If it shall appear that the property was in possession of such party subject to a mortgage or lien in favour of some other person, the Court shall continue the attachment subject to the claims of such other person. (R. C.)

When Court to order release of property from attachment.

397. If the property attached be immovable and it appear to the satisfaction of the Court that the property was, at the time it was attached, in possession of the party against whom execution is sought as his own property and not on account of any other person, or was in the possession of some other person in trust for him, or in the occupancy of a tenant or other person paying rent to him, the Court shall disallow the claim and may order the sale to proceed at such time as it may think proper. (R. C.)

When Court to disallow claim to release of property attached.

398. The party against whom an order is passed under either of the last two preceding Sections shall be at liberty to bring a suit to establish his right at any time within one year from the date of the order. R. C.)

Person against whom order is passed under Section 396 or 397 may sue within one year to establish his right.

399. A claim to attached property or an objection to the sale of such property, shall be made without delay to the Court which shall have ordered the attachment; and if the property to which the claim or objection applies shall have been advertised for sale, the sale may, if it appear necessary, be postponed pending the investigation into the claim or objection: Provided that no such investigation shall be made if it appear that the making of the claim or objection was designedly and unnecessarily delayed with a view to obstruct the ends of justice. (R. C.)

Claims and objections to be made without delay.

400. If the claim or objection be disallowed or if the Court refuse to investigate it on the ground of delay in making it, the claimant or objector shall be at liberty to prosecute his claim or objection by a suit subject to the law of limitation. (R. C.)

If claim or objection be disallowed, claimant or objector may sue.

Of Sales in Execution of Decrees.

401. Sales in execution of decrees shall be conducted by an Officer of the Court or by any other person whom the Court may appoint, and, except as provided in the next following Section, shall be made by public auction in manner hereinafter mentioned. (S C. C. & R. C.)

Sales by whom to be conducted and how made.

402. If the property to be sold be a negotiable instrument or of a share in any public Company or Corporation, the Court may, instead of directing the sale to be made by public auction, authorize the sale of such instrument or share through a broker at the market-rate of the day. (S. C. C. & R. C.)

Saving as to negotiable securities and shares in public Companies.

403. If the property to be sold be land paying revenue to Government, and the Collector of the District in which the land is situate shall not have been prohibited by the Local Government from selling land in execution of decrees, the sale shall be conducted by such Collector on the requisition of the Court. (R. C.)

Sale by Collector, of lands paying revenue to Government.

404. When any property, whether moveable or immoveable, is ordered to be sold by public auction in execution of a decree, a proclamation of the intended sale, specifying the time and place of sale, the property to be sold, the revenue assessed upon the estate or part of the estate when the property to be sold is an estate or a part of an estate paying revenue to Government, and the amount for the recovery of which the sale is ordered, together with any other particulars that the Court may think necessary, shall be made in the current language of the District. The proclamation shall also declare that the sale shall extend only to the right, title and interest of the defendant in the property specified therein. (S. C. C. & R. C.)

Proclamation of sales by public auction.

405. The proclamation shall be made on the spot where the property is attached by beat of drum or in such other mode as may be customary; and a written notification to the same effect shall be affixed in the Court-house of the Judge who shall have ordered the sale, and in some conspicuous spot in the town or village in which the attachment shall have taken place. When the property ordered to be sold consists of land or of any right or interest in land, a written notification shall also be affixed in the Office of the Collector of the District in which such land is situate and in the Court-house of the principal Civil Court of the District when the Court which ordered the sale is subordinate to such Court. If the Court shall so direct, such notification shall also be published in the Official Gazette and in some local newspaper. (S. C. C. & R. C.)

Mode of making proclamation.

406. Except in the case of articles of a perishable nature (which may be sold at once), no sale shall take place until after the expiration of at least thirty days in the case of immovable property, and of at least fifteen days in the case of movable property, calculated from the date on which the notification shall have been affixed in the Court-house of the Judge ordering the sale. (S. C. C. & R. C.)

Time of sale.

407. The usual process for attachment and sale, when the property to be attached consists of any moyable property other than a debt, may be issued either successively or simultaneously as the Court directing the sale may in each instance think proper. (S. C. C. & R. C.)

Process for attachment and sale may in certain cases be simultaneous or otherwise.

408. If the property sold consist of movable property, the price of each lot shall be paid for at the time of sale, or as soon after as the Officer holding the sale shall direct, and in default of payment the property shall forthwith be again put up and sold. On payment of the purchase money, the Officer holding the sale shall grant a receipt for the same, and the sale shall become absolute. (S. C. C. & R. C.)

Payment for movable property sold.

409. If the purchaser be the holder of the decree in execution of which the property is sold, the amount of his decree may be taken as payment in whole or in part, as the case may be, of the purchase money. (S. C. C. & R. C.)

If decree-holder purchase, amount of decree may be taken as payment.

410. No irregularity in the sale of movable property shall vitiate the sale; but any person who may sustain any injury by reason of such irregularity at the hand of any other person may institute a suit against him for damages. (S. C. C. & R. C.)

Irregularity not to vitiate sale of movable property, but any person injured may recover damages by suit.

411. If the property sold be immovable, the purchaser shall pay immediately after the sale a deposit of twenty-five per centum on the amount of his purchase money to the Officer conducting the sale, and, in default of such deposit, the property shall forthwith be again put up and sold. The full amount of purchase money shall be paid by the purchaser before sunset of the fifteenth day after the sale of the property, exclusive of such day, or if the fifteenth day be a Sunday or other close holiday, then on the first office day after the fifteenth day: Provided that if the purchaser be the holder of the decree, the amount of his decree may be taken in whole or in part, as the case may be, of the purchase money. (R. C.)

Deposit by purchaser of immovable property.

Time for payment in full.

412. In default of payment within the period mentioned in the last preceding Section, the deposit, after defraying the expenses of the sale, shall be forfeited to Government, and the property shall be re-sold, and the defaulting purchaser shall forfeit all claim to the property or to any part of the sum for which it may subsequently be sold. If the proceeds of the sale which is ultimately completed be less than the price bid by such defaulting purchaser, the deficiency and all costs and expenses occasioned by such default shall be recoverable from him under the rules contained in this Chapter for the execution of a decree for money. (R. C.)

Procedure in default of payment.

Defaulting purchaser answerable for loss by re-sale.

413. When the land sold in execution of a decree is a share of an undivided estate, if the lot shall have been knocked down to a stranger, any co-sharer other than the party liable for the amount of the decree, may claim to take the share sold at the sum at which the lot was knocked down: Provided that the claim be made before sunset on the day of sale and that the claimant fulfil all the conditions of the sale. (R. C.)

Co-sharer of a share of an undivided estate sold in execution of decree may claim to take the share knocked down at sale price.

Proviso.

414. Every re-sale of immovable property in default of payment of the purchase money within the period allowed for such payment, shall be made after the issue of a fresh notification in the manner and for the period hereinbefore prescribed for the sale. (R. C.)

Notification on re-sale of immovable property.

415. No sale of immovable property shall become absolute until it shall have been confirmed by the Court. (R. C.)

Confirmation of sale.

416. At any time within thirty days from the date of the sale of any immovable property, application may be made to the Court to set aside the sale on the ground of a material irregularity in publishing or conducting the sale, but no sale shall be set aside on the ground of irregularity unless the applicant shall prove to the satisfaction of the Court that he has sustained substantial injury by reason of such irregularity. (R. C.)

Sale not to be set aside on ground of irregularity unless substantial injury proved.

417. If no such application as is mentioned in the last preceding Section be made, or if such application be made and the objection be disallowed, the Court shall pass an order confirming the sale. If such application be made, and if the objection be allowed, the Court shall pass an order setting aside the sale for irregularity. No suit shall lie to set aside or render void an order passed unde this Section. (R. C.)

Effect of objection being disallowed and of its being allowed.

418. When a sale of immovable property is set aside, the purchaser shall be entitled to receive back his purchase money with or without interest as the Court shall direct. Payment of the purchase money and of the interest (if any) allowed by the Court shall be enforced under the rules provided by this Chapter for the execution of a decree for money. (R. C.)

If sale set aside, price to be returned to purchaser.

419. When a sale of immovable property shall have become absolute in manner aforesaid, the Court shall grant a certificate to the person who shall have been declared the purchaser of the property, to the effect that he has purchased the right, title and interest of the defendant in the property sold, and such certificate shall be taken and deemed to be a valid transfer of such right, title and interest. (R. C.)

Certificate to be granted to purchaser of immovable property.

420. The certificate shall state the name of the person who, at the time of sale, is declared to be the purchaser, and no suit brought against the certified purchaser on the ground that the purchase was made on behalf of another person not the certified purchaser, though by agreement the name of the certified purchaser was used, shall lie. (R. C.)

Certificate to state the name of actual purchaser. Benami purchaser not recognized.

421. When the property sold consists of any movable property in the possession of the defendant, or to the immediate possession of which he is entitled, and of which actual seizure has been made, the property shall be delivered to the purchaser. (S. C. C. & R. C.)

Delivery of movable property belonging to defendant actually seized.

422. When the property sold consists of any movable property to which the defendant is entitled subject to a lien or right of any person to the immediate possession thereof, the delivery to the purchaser shall be made by giving notice to the person in possession. prohibiting him from delivering possession of the property to any person except the purchaser. (S. C. C. & R. C.)

Delivery of movable property to which defendant is entitled subject to lien

423. When the property sold consists of any immovable property in the occupancy of the defendant or of some person on his behalf, or of some person claiming under a title created by the defendant subsequently to the attachment of such property, the Court shall order delivery to be made by putting the purchaser or any person whom he may appoint to receive delivery on his behalf, in possession of the property, and, if need be, by removing any person who may refuse to vacate the same. (R. C.)

Delivery of immovable property in the occupancy of defendants.

424. When the property sold consists of immovable property in the occupancy of a tenant or other person entitled to occupy the same, the Court shall order delivery thereof to be made by affixing a copy of the certificate of sale in some conspicuous place on the property, and proclaiming to the occupant by beat of drum or in such other mode as may be customary, at some convenient place, that the right, title and interest of the defendant have been transferred to the purchaser. (R. C.)

Delivery of immovable property in the occupancy of tenant.

425. When the property sold consists of a debt not being a negotiable instrument or of a share in any Railway, Banking or other public Company or Corporation, the delivery thereof shall be made by a written order of the Court prohibiting the creditor from receiving the debt or any interest thereon, and the debtor from making payment thereof to any person except the purchaser, or prohibiting the person in whose name the share may be standing from making any transfer of the share to any person except the purchaser, or receiving payment of any dividend or interest thereon, and the Manager, Secretary or other proper Officer of the Company or Corporation from permitting any such transfer or making any such payment to any person except the purchaser. (S. C. C. & R. C.)

Delivery of debts and of shares in public Companies.

426. When the property sold consists of a negotiable instrument of which actual seizure has been made, the same shall be delivered to the purchaser of such security. (S. C. C. & R. C.)

Delivery of negotiable instruments of which actual seizure has been made.

427. If the endorsement or conveyance of the party in whose name a negotiable instrument or a share in any Railway, Banking or other public Company or Corporation is standing, shall be required to transfer such instrument or share, the Judge may endorse the instrument or the certificate of the share or may execute such other document as may be necessary. The endorsement or execution shall be in the following form or to the like effect:—"A. B. by C. D., Judge of the Court of *(or as the case may be)*; in a suit by E. F. against A. B." Until the transfer of such instrument or share, the Court may, by order, appoint some person to receive any interest or dividend due thereon, and to sign a receipt for the same; and any endorsement made or document executed or receipt signed as aforesaid shall be as valid and effectual for all purposes as if the same had been made or executed or signed by the party himself. (S. C. C. & R. C.)

Transfer of negotiable instruments and shares.

428. If the purchaser of any immovable property sold in execution of a decree shall be resisted or obstructed by the defendant or any one on his behalf in obtaining possession of the property, the provisions of this Chapter relating to re-

Resisting or obstructing purchasers in obtaining possession of immovable property

sistance or obstruction to a party in whose favour a decree has been made in obtaining possession of the property adjudged to him, shall be applicable. (R. C.)

Obstruction by claimant other than defendant.

429. If it shall appear that the resistance or obstruction to the delivery of possession was occasioned by any person other than the defendant, claiming a right to the possession of the property sold as proprietor, mortgagee, lessee, or under any other title, or if, in the delivery of possession to the purchaser, any such person claiming as aforesaid shall be dispossessed, the Court, on the complaint of the purchaser, or of such person claiming as aforesaid, if made within one month from the date of such resistance or obstruction or of such dispossession, as the case may be, shall enquire into the matter of the complaint and pass such order as may be proper. The party against whom the order is passed shall be at liberty to bring a suit to establish his right to the property at any time within one year from the date of such order. (R. C.)

Attaching creditor to be first paid out of proceeds of property sold.

430. When property is sold in execution of a decree, the holder of the decree on whose application such property was first attached, whether during the pendency of the suit or in execution of the decree, shall be entitled to be first paid out of the proceeds thereof, notwithstanding a subsequent attachment of the same property by another party in execution of another decree whether of a prior or of a later date. (S. C. C. & R. C.)

Surplus to be rateably distributed among decree-holders who have taken out execution prior to order for distribution.

431. If, after the claim of the person on whose application the property was attached has been satisfied in full from the proceeds of the sale, any surplus remain, such surplus shall be distributed rateably amongst any other persons who, prior to the order for such distribution, may have taken out execution of decrees against the same defendant and may not have obtained satisfaction thereof: Provided that when any property is sold subject to a mortgage, the mortgagee shall not be entitled in respect of such mortgage to share in any surplus arising from such sale. (S. C. C. & R. C.)

Proviso where property is sold subject to a mortgage.

Court may order proceeds of property attached under a decree obtained fraudulently, to be paid in satisfaction of another decree.

432. If it shall appear to the Court upon the application of the holder of a decree, that any other decree under which property has been attached was obtained by fraud or other improper means, the Court may order that the applicant shall be satisfied out of the proceeds of the property attached so far as the same may suffice for the purpose, if such other decree be a decree of the same Court; or, if it be a decree of another Court, may stay the proceedings to enable the applicant to obtain a similar order from the Court by which the decree was made. (S. C. C. & R. C.)

OF ARREST IN EXECUTION OF DECREES FOR MONEY.

Grounds of application for discharge.

433. Any person arrested under a warrant in execution of a decree for money may, on being brought before the Court, apply for his discharge on the ground that he has no present means of paying the debt, either wholly or in part, or, if he is possessed of any property, that he is willing to place at the disposal of the Court whatever property he possesses. (S. C. C. & R. C.)

Form of application.

434. The application shall contain a full account of all property of whatever description belonging to the applicant (except the necessary wearing apparel of himself and his family and the necessary implements of his trade), whether it is in possession or in expectancy and whether held exclusively by himself or jointly with any other person, or by any other person in trust for him and of the place where such property is to be found, or shall state that, with the exceptions above mentioned, the applicant is not possessed of any property, and the application shall be subscribed and verified by the applicant in the manner hereinbefore prescribed for subscribing and verifying plaints. (S. C. C. & R. C.)

Verification.

Procedure on application for discharge by a person arrested in execution of a decree for money.

435. When a person arrested under a warrant in execution of a decree for money shall, on being brought before the Court, apply for his discharge under Section 433, the Court shall examine the applicant in the presence of the holder of the decree or his Advocate, as to his then circumstances, and as to his future means of payment, and shall call upon the holder of the decree to show cause why he does not proceed against any property of which the defendant is possessed, and why the defendant should not be discharged. Should the holder of the decree fail to show such cause, the Court may direct the discharge of the defendant from custody. (S. C. C. & R. C.)

Pending enquiry, the defendant may be left in custody or released on good security.

436. Pending any enquiry which the Court may consider it necessary to make into the allegations of either party, the Court may, instead of ordering the immediate committal of the defendant to jail, leave him in the custody of the Officer of the Court to whom the service of the warrant was entrusted, on the defendant depositing the fees of such Officer, which shall be at the same daily rate as the lowest rate charged in the same Court for serving process; or if the defendant furnish sufficient security for his appearance at any time when called upon while such enquiry is being made, his surety undertaking in default of such appearance to pay the amount mentioned in the warrant, the Court may release the defendant on such security. (S. C. C. & R. C.)

437. The discharge of the defendant under Section 435 shall not protect him from being arrested again and imprisoned if it be shown that, in the application made by him, he had been guilty of any concealment or of wilfully making any false statement respecting the property belonging to him, whether in possession or in expectancy or held for him in trust, or had fraudulently concealed, transferred or removed any property, or had committed any other act of bad faith; nor shall such discharge exempt from attachment and sale any property then in the possession of the defendant, or of which he may afterwards become possessed. (S. C. C. & R. C.)

Defendant liable to be again arrested if proved guilty of fraudulent concealment of property, &c.

OF THE EXECUTION OF DECREES BY IMPRISONMENT.

438. The imprisonment of the defendant in execution of a decree may be in the jail of the District in which the Court ordering the imprisonment is held, or, when such jail does not afford suitable accommodation, in any jail though not in such District where there may be suitable accommodation, which the Local Government may appoint for the confinement of persons or of any class of persons ordered to be imprisoned by the Courts of such District. (S. C. C. & R. C.)

Place of defendant's imprisonment.

439. When the defendant is committed to jail in execution of a decree, the Court shall fix whatever monthly allowance it shall consider sufficient with reference to the class of persons to which he belongs, for his subsistence, but (except as provided in the next succeeding Section) not exceeding four annas per day, which sum shall be supplied by the party on whose application the decree shall have been executed, to the proper Officer of the Court or of the jail in which the defendant may be confined, by monthly payments in advance before the first day of each month. The first payment shall be made for such portion of the current month as may remain unexpired before the defendant is committed to jail. (S. C. C. & R. C.)

Defendant's subsistence-money.

440. The Court may, in case of illness or for other special cause, fix the monthly allowance at such sum not exceeding six annas per day as shall appear necessary. The order fixing such allowance may from time to time be revised and altered on due cause being shown. (S. C. C. & R. C.)

Court may vary allowance in case of illness or for other special cause.

441. Sums disbursed by the holder of a decree for the subsistence of the defendant in jail shall be added to the costs of the decree, and shall be recoverable by the attachment and sale of the defendant's property under the rules contained in this Chapter for the execution of a decree for money: Provided that the defendant shall not be detained in jail or arrested on account of any sum so disbursed. (S. C. C. & R. C.)

Subsistence-money to be added to amount of decree.

442. The defendant shall be discharged from jail at any time, by order of the Court, on the decree being fully satisfied, or at the request of the person on whose application he shall have been imprisoned, or on such person omitting to pay the allowance as hereinbefore directed. (S. C. C. & R. C.)

Release of defendant.

443. No person shall be imprisoned in execution of a decree for a longer period than two years; or for a longer period than six months if the decree be for the payment of a sum of money not exceeding five hundred rupees; or for a longer period than three months if the decree be for the payment of a sum of money not exceeding fifty rupees. (S. C. C. & R. C.)

Imprisonment not to exceed two years.

Or six months if decree do not exceed 500 Rupees.

Or three months if not exceeding 50 Rupees.

444. Any person imprisoned in execution of a decree may at any time apply to the Court which ordered his imprisonment for his discharge on the ground of his inability to pay the amount of the decree in execution of which he is imprisoned. (S. C. C. & R. C.)

Application for discharge.

445. The application shall contain a full account of all property of whatever nature belonging to the applicant (except the necessary wearing apparel of himself and his family and the necessary implements of his trade), whether such property is in possession or in expectancy, and whether it is held exclusively by himself or jointly with any other person, or by any other person in trust for him, and of the places where such property is to be found. The application shall be subscribed and verified by the applicant in the manner hereinbefore provided for subscribing and verifying plaints. (S. C. C. & R. C.)

Contents of application.

Verification.

446. On such application being made, the Court shall cause the holder of the decree to be furnished with a copy of the account of the property of the defendant, and shall fix a reasonable period within which the holder of the decree may cause such property or any part thereof to be attached and sold, or may furnish proof that the defendant, for the purpose of procuring his discharge without satisfying the decree, has wilfully concealed property or his right or interest in any property or fraudulently transferred or removed property, or committed any other act of bad faith. (S. C. C. & R. C.)

Procedure on such application.

447. If within such period the holder of the decree shall fail to furnish such proof, the Court shall order the defendant to be discharged from jail. (S. C. C. & R. C.)

In what case defendant to be discharged.

448. If the holder of the decree shall, within the time specified or at any subsequent period, prove to the satisfaction of the Court that the defendant has been guilty of any of the acts mentioned

If fraud or concealment proved, debtor's imprisonment may be extended to two years.

in Section 446, the Court shall, at the instance of the holder of the decree, either retain the defendant in confinement, or commit him to jail, as the case may be, unless he shall have already been in confinement two years on account of the decree. The Court may, if it think proper, send the defendant to the Magistrate to be dealt with according to law. (S. C. C. & R. C.)

And he may be further dealt with criminally.

449. A defendant once discharged from jail shall not again be imprisoned on account of the same decree, except under the operation of Section 437 or the last preceding Section; but his property shall continue liable to attachment and sale until the decree shall be fully satisfied, unless the decree shall be for a sum of money not exceeding twenty Rupees. (S. C. C. & R. C.)

Though defendant discharged, his property liable for the decree.

450. If the decree shall be for a sum of money less than one hundred Rupees, the Court may declare a defendant who shall be discharged as aforesaid absolved from further liability under such decree. (S. C. C. & R. C.)

When Court may declare defendant absolved from further liability.

451. Questions regarding the amount of any mesne profits which by the terms of the decree shall have been reserved for adjustment in the execution of the decree, or of any mesne profits or interest which may be payable in respect of the subject-matter of a suit between the date of the institution of the suit and execution of the decree, as well as questions relating to sums alleged to have been paid in discharge or satisfaction of the decree, and any other questions arising between the parties to the suit in which the decree was passed and relating to the execution of the decree, shall be determined by order of the Court executing the decree, and not by a separate suit. (S. C. C. & R. C.)

Determination of questions regarding amount of mesne profits and interest and sums paid in satisfaction of decrees.

Of Payment of the Amount of Decrees for Money by Instalments.

452. The Court may order that the amount of a decree for money be paid by instalments on such terms as to the payment of interest, the attachment of the property of the defendant, or the taking of security from him or otherwise as it may deem proper, notwithstanding that the decree make no provision for the payment by instalments of the amount decreed. (S. C. C. & R. C.)

Court may order payment by instalments.

Of Service of Process in Military Cantonments.

453. If, in the execution of a decree, process is to be executed within the limits of a Cantonment, Garrison, Military Station or Military Bazar, the Officer entrusted with the execution of such process shall carry the same to the Commanding Officer, or in his absence to the senior Officer actually present in the Cantonment, Garrison, Station or Military Bazar; and the Commanding Officer or such senior Officer, upon such process being produced to him, shall back the same with his signature, and, in the case of a warrant of arrest, shall cause the person named in the warrant to be arrested if within the limits of his command, and delivered, according to the exigency of the warrant, to the Officer charged with the execution thereof. (S. C. C. & R. C.)

Service of process in Cantonmets, Garrisons and Military Stations.

Of Execution of a Decree beyond the local Limits of the Jurisdiction of the Court by which it was passed.

454. A decree of any Court in British India or established by the authority of the Governor-General of India in Council in the Territories of any foreign Prince or State in India which cannot be executed within the jurisdiction of the Court whose duty it is to execute the same, may be executed in the manner hereinafter provided, within the jurisdiction of any other such Court: Provided that no Court of Small Causes shall have power to execute the decree of any other Court except a decree for money of an amount exclusive of costs not exceeding the pecuniary jurisdiction of the Court of Small Causes to which the application for the execution of the decree of another Court is made (S. C. C. & R. C.)

Decree of one Court may be executed within the jurisdiction of another Court.

Proviso as to Small Cause Courts.

455. The holder of a decree may apply to the Court whose duty it is to execute the same to send a copy of the decree, together with a certificate, setting forth that satisfaction of the decree has not been obtained by execution within the jurisdiction of such Court, or, where the decree has been executed in part, the extent to which satisfaction has been obtained and what part of the decree remains unexecuted, and a copy of any order for execution of the decree that shall have been passed, to the Court by which the holder of the decree wishes it to be executed. (S. C. C. & R. C.)

Application for such execution.

456. The Court, unless there be any sufficient reason to the contrary, shall cause such copies and certificate to be prepared and shall send the same by post to the Court by which the holder of the decree wishes the decree to be executed, if such Court be within the same District, or otherwise to the principal Civil Court of original jurisdiction in the District in which the holder of the decree wishes that execution may take place. Such copies and certificate shall be signed by the Judge or Registrar or Clerk of the Court and shall be sealed with the seal of the Court. (S. C. C. & R. C.)

Copy of decree and order for execution to be sent.

457. The Court to which such copies and certificate are sent shall cause the same to be filed, without any proof of the decree or order for execution, or of the copies thereof or of the seal or jurisdiction of any Court, or of the signature of any Judge or Officer, unless the Court shall, under any peculiar circumstances to be specified in an order, require such proof. (S. C. C. & R. C.)

Court receiving copies of decree, &c., to file same without proof

458. The copy of the decree and of any order for execution, when filed in the Court to which such copy shall have been sent for the purpose of being executed as aforesaid, shall for such purpose have the same effect as a decree or order for execution made by such Court, and may, if the Court be the principal Civil Court of original jurisdiction in the District, be executed by such Court, or any Court subordinate thereto to which such principal Civil Court may entrust the execution of the same. (S. C. C. & R. C.)

Transmitted copy of decree or order to have same effect as decree of Court to which it is sent for execution.

459. When the holder of a decree which shall have been sent under the foregoing provisions for execution by a Court other than the Court which passed the decree, shall apply for execution of the decree to the Court to which it shall have been so sent, such Court, or any subordinate Court to which the execution of the decree may be entrusted, shall proceed to execute the decree according to the provisions of this Chapter so far as the same can be made applicable, or to its own rules in the like cases when such rules exist and have the force of law: Provided that such Court shall have no power to enquire into the validity of the decree unless it appear upon the face of the decree that the Court by which it was passed had no jurisdiction to pass it. (S. C. C. & R. C.)

Enforcement of execution by Court applied to.

460. If the Court to which the decree is transmitted for execution be a High Court, the decree shall be executed by such Court in the same manner as if the decree had been passed by such Court in the exercise of its ordinary original Civil jurisdiction: Provided that no decree shall be transmitted for execution by a High Court if the decree was made by a Court of Small Causes, or in a case cognizable by a Court of Small Causes.

Execution by High Court, of decree transmitted by other Court.

Proviso as to Small Cause Courts.

461. The Court to which the holder of the decree shall so apply, shall have the same powers in executing the decree as the Court by which it was passed would have had if the decree had been capable of being executed within the jurisdiction of the said Court. (S. C. C. & R. C.)

Power of Court applied to by decree-holder in executing decree.

462. The Court to which such application is made or referred for execution as aforesaid, shall take cognizance of and punish all wrongful acts or irregularities done or committed in executing such decree; and all persons disobeying or obstructing the execution of the decree shall be punishable by such Court in the same manner as if the decree had been made by such Court. (S. C. C. & R. C.)

Wrongful acts or irregularities in executing decree to be punished by Court applied to.

463. The Court to which such application is made or referred as aforesaid, may, upon sufficient cause being shown, stay the execution of the decree for a reasonable time, to enable the defendant to apply to the Court by which the decree was passed, or to any Court having appellate jurisdiction in respect of the decree or the execution thereof, for an order to stay the execution, or for any other order relating to the decree or execution which such Court of first instance or appellate Court might have made if execution had been issued by such Court of first instance or if application for execution had been made to such Court; and in case the property or person of the defendant shall have been seized under an execution, the Court which issued the execution may order the restitution of the property or the discharge of the person of the defendant pending the result of such application. (S. C. C. & R. C.)

Court applied to may in certain cases stay execution.

464. Before passing an order to stay execution or for the restitution of property or the discharge of the defendant under the last preceding Section, the Court may require such security from, or impose such conditions upon, the defendant, as it may deem reasonable. (S. C. C. & R. C.)

Before making any order under last Section, Court may require security from, or impose conditions upon, defendant.

465. Any order of the Court in which the decree was passed or of such Court of appeal as aforesaid, shall be binding upon the Court to which the application for execution was made, and shall be a sufficient indemnity for all persons acting in execution of any process issued by such last mentioned Court. (S. C. C. & R. C.)

Order of Court passing decree or of Appellate Court to be binding upon Court applied to.

466. No discharge of a defendant under the provisions of Section 463, shall prevent such defendant from being retaken in execution of the decree. (S. C. C. & R. C.)

Liability of defendant discharged to be retaken.

467. The orders of a Court for executing the decree of another Court shall be subject to the same rules in respect of appeal, as if the decree had been originally passed by the Court making such order.

Appeal from orders for execution of decrees of other Courts.

OF THE ENFORCEMENT OF REGISTERED BONDS.

468. A bond which shall have been registered under the provisions of Act XVI of 1864 (*to provide for the Registration of Assurances*) may be enforced without a suit: Provided that the parties to such bond shall, at the time of the registration thereof, have signified their assent to its being so enforced, and that such assent shall have been recorded at the foot of the memorandum of registration on such bond at the time it was registered. (S. C. C.)

Enforcement without suit of bonds registered under Act XVI of 1864.

Proviso.

469. No bond shall be enforced under the provisions of the last preceding Section unless application for its enforcement be made within twelve months from the date on which the whole amount secured thereby became payable: Provided that nothing herein contained shall be construed to

But application for enforcement must be made within a period fixed.

prevent the obligee of a bond payable by instalments from suing on the bond before all the instalments shall have become due. (S. C. C.)

Court to which application may be made for enforcing bonds.

470. Any person who is desirous of enforcing a bond under Section 468 may apply to any Court which would have had jurisdiction to try a suit on such bond for the enforcement of the same. (S. C. C.)

Application to be treated as for execution of a decree.

471. Such application shall be treated as an application for the execution of a decree, and the foregoing provisions of this Chapter relating to execution of decrees shall, except as hereinafter provided, apply in such case so far as shall be practicable. (S. C. C.)

Procedure of Court on receipt of application.

472. The Court to which such application is made shall cause a notice to be served on the person against whom the enforcement is applied for, calling on him to show cause within a time to be specified in the notice, why execution for the amount stated in the application should not be issued against him. (S. C. C.)

Attachment may issue against debtor about to quit jurisdiction, or to move property therefrom.

473. If the person making the application shall satisfy the Court that the party against whom the claim is made is about to leave the jurisdiction of the Court, or to dispose of or remove his property from the jurisdiction of the Court in order to evade payment of the money claimed to be due from him, the Court may issue process of attachment against the person or property of such party. (S. C. C.)

Chapter IV applicable to attachments applied for.

474. Whenever such attachment is applied for, the provisions contained in Chapter IV relating to arrest and attachment before judgment shall be applicable. (S. C. C.)

Compensation to person against whom claim is made if arrest or attachment of property be applied for on insufficient grounds.

475. If it appear to the Court that the arrest of the person against whom the claim is made or the attachment of his property was applied for on insufficient grounds, or if the application for enforcing the bond is disallowed and it appear to the Court that there was no ground for making the application, the Court may, on the application of the party against whom the claim is made, award in its order against the party making the application such sum, not exceeding one thousand rupees, as it may deem a reasonable compensation to the party against whom the claim is made for his arrest or the attachment of his property: Provided that the Court shall not award a larger amount of compensation under this Section than it is competent to such Court to decree in an action for damages. (S. C. C.)

Limit to compensation.

Award of compensation to bar suit for damages.

476. An award of compensation made under the last preceding Section shall bar any suit for damages in respect of such arrest or attachment, and may be enforced under the rules contained in this Chapter for the execution of decrees, and all the provisions of this Code shall be applicable to the proceedings in such execution. (S. C. C.)

Procedure when person against whom execution is claimed appears and shows cause against issue of execution.

477. If the person against whom execution is applied for shall attend within the time mentioned in the notice, and show cause why execution should not be issued against him, the Court shall enquire into his objection, and pass such order as it shall think proper. (S. C. C.)

Pleas in bar of execution.

478. No person shall be allowed to plead in bar of execution any plea other than that he was not a party to the registration of the bond, or that the Court has not jurisdiction, or that the application is barred in consequence of its not having been made within the time allowed, or that the bond has been paid or has been satisfied in some other way, or is for any reason no longer in force, or that the amount claimed exceeds that which is remaining due, whether for principal or interest, or, when application is made against a person as the representative of a deceased person, that he is not such representative, or that he has never received any assets from the deceased, or, if the representative have received assets, that he has paid them away or that they are not sufficient to discharge the debt. (S. C. C.)

Court may direct institution of suit, instead of enforcing bond under Section 468.

479. The Court to which application is made for the enforcement of a bond under Section 468 may, for any sufficient reason, instead of granting such application, order that a suit shall be brought on such bond. (S. C. C.)

Effect of Court refusing to enforce bond under Section 468 or 469.

480. No suit between the same parties, or persons claiming under them respectively, shall be entertained on any bond the enforcement of which shall have been refused by the Court on an application for enforcement made under Section 468 otherwise than as barred by lapse of time, unless the Court shall have refused the application by reason of its not having been preferred within the period prescribed by Section 469, or shall have directed a suit to be brought under the last preceding Section. (S. C. C.)

Foregoing provisions not to bar suit by obligee.

481. Nothing in the foregoing Sections shall be held to prevent the obligee of a bond, registered as aforesaid, from instituting a suit to recover the amount subject to the law of limitations, instead of applying for the enforcement of the bond under the foregoing provisions. (S. C. C.)

Attendance, examination and punishment of witnesses required to give evidence.

482. The provisions of Chapter IV relating to the summoning, attendance, and examination of witnesses, and to the remuneration of and penalties to be imposed upon witnesses, shall apply to wit-

nesses required to give evidence or to produce documents under the provisions of this Chapter. Any penalty to which a witness may be liable under this Section shall be imposed by the Court from which the process was issued. (S. C. C. & R. C.)

CHAPTER VI.

Of Pauper Suits.

Suits may be brought *in formâ pauperis.*

483. A suit may be brought *in formâ pauperis* in the Court having jurisdiction over the claim, subject to the following rules. (S. C. C.)

What suits excepted.

484. No suit shall be brought *in formâ pauperis* to recover money on account of damages for loss of caste, slander, abusive language or assault. (S. C. C.)

Application to be by petition on stamp paper.

485. The application for permission to institute a suit *in formâ pauperis* shall be by petition written on stamp paper of the value of one Rupee. (S. C. C.)

Contents of petition.

486. The petition shall contain the particulars required by Section 53 in regard to plaints in suits, and shall have annexed to it a Schedule of any movable or immovable property belonging to the petitioner, with the estimated value thereof, and shall be subscribed and verified in the manner prescribed by this Code for the subscription and verification of plaints. (S. C. C.)

Presentation of petition.

487. The petition shall be presented to the Court by the petitioner in person; but if he satisfy the Court that he is prevented by sickness from attending the Court in person, or if the petitioner be a female who, according to the custom and manners of the country, ought not to be compelled to appear in public, the petition may be presented by a duly authorized agent who may be able to answer all material questions relating to the application and who shall be liable to be examined in the same manner as the party represented by him might have been examined had such party attended in person. (S. C. C.)

Petition of certain females may be presented by agent.

Rejection of petition.

488. If the petition be not framed or presented in the manner laid down in the last two preceding Sections, the Court shall reject it. (S. C. C.)

Examination of petitioner.

489. If the petition be in form and duly presented, the Court shall proceed to examine the petitioner, or his agent when the petitioner is allowed to appear by agent, regarding the merits of the claim and the property of the petitioner.

If presented by agent, Court may order petitioner to be examined by Commission.

When the petition is presented by an agent, the Court may, if it think proper, order that the petitioner be examined by a Commission in the manner in which the examination of an absent witness may be taken under the provisions of this Code. (S. C. C.)

Rejection of application.

490. It it appear to the Court upon such examination that the defendant, or the subject-matter of the suit, is not within the jurisdiction of the Court, or that the right of action is barred by lapse of time, or that the allegations of the petitioner do not constitute a ground of action, or, if none of the foregoing objections exist, that the petitioner has failed to show that he is not possessed of sufficient means to enable him to pay for the stamp duty prescribed by any law for the plaint, or that the petitioner has recently disposed of any property fraudulently or with a view to obtain the benefit of this Chapter, the Court shall refuse to allow the petitioner to sue *in formâ pauperis.* (S. C. C.)

Notice to opposite party, if application not refused, of day for receiving evidence of petitioner's pauperism.

491. If upon such examination the Court shall see no reason to refuse the application on any of the grounds stated in the last preceding Section, it shall fix a day, of which at least ten days' previous notice shall be given to the opposite party, for receiving such evidence as the petitioner may adduce in proof of his being a pauper and for hearing any evidence which the opposite party may bring forward in disproof of his pauperism. (S. C C.)

Procedure at hearing.

492. On the day appointed for the hearing or as soon after as may be convenient, the Court shall consider any objections made by the opposite party, and shall examine any witnesses produced by either party, and make a memorandum of the substance of their evidence, and shall either allow or refuse to allow the petitioner to sue *in formâ pauperis.* (S. C. C.)

Summons to witness.

493. Either party may, on application to the Court made in sufficient time before the day fixed for the hearing of the case, obtain a summons to any person to attend either to give evidence or to produce a document. (S. C. C.)

Court may institute local enquiry.

494. Previously to passing a final order in the case, the Court may, if it think fit, institute a local enquiry in the manner laid down in Chapter IV regarding the property of the petitioner or regarding the amount or value of any property claimed. (S. C. C.)

Procedure if application admitted.

495. If the application of the petitioner be granted, it shall be numbered and registered and shall be deemed the plaint in the suit, and the suit shall proceed in all other respects as a suit instituted under Chapter IV, except that the plaintiff shall not be liable to any stamp duty in respect of any petition, appointment of an Advocate, or other proceeding connected with the suit. (S. C. C.)

496. On the decision of the suit, the Court shall calculate the amount of stamp duty which would have been paid by the plaintiff if he had not been permitted to sue *in formâ pauperis* and such amount shall be recoverable by Government from any party ordered by the decree to pay the same, in the same manner as costs of suit are recoverable under this Code. (S. C. C.)

Recovery of *dives* stamp duty.

497. The refusal to allow the petitioner to sue *in formâ pauperis* shall be a bar to any subsequent application of the like nature in respect of the same cause of action; but the plaintiff shall be at liberty to institute a suit in the ordinary manner in respect of such cause of action, unless precluded by the law of limitations. (S. C. C.)

Refusal to allow petitioner to sue as pauper, to bar subsequent application of like nature.

498. The provisions of Chapter IV relating to the summoning, attendance, and examination of witnesses, and to the remuneration of and penalties to be imposed upon witnesses, shall apply to witnesses and other persons required to give evidence or to produce documents under the provisions of this Chapter. (S. C. C.)

Attendance examination & punishment of witnesses.

CHAPTER VII.

Reference to Arbitration.

499. If the parties to a suit desire that any matter in difference between them in the suit shall be referred to arbitration, they may, at any time during the pendency of the suit, apply to the Court for an order of reference. (S. C. C. & R. C.)

Parties to suit may apply for order of reference.

500. The application shall be in writing, and shall bear the stamp prescribed for petitions to the Court where a stamp is required for petitions. (S. C. C. & R. C.)

Application.

501. The arbitrator shall be nominated by the parties in such manner as may be agreed upon between them. (S. C. C. & R. C.)

Nomination of arbitrator.

502. If the parties cannot agree with respect to the nomination of the arbitrator, or if the person whom they nominate shall refuse to accept the arbitration and the parties are desirous that the nomination shall be made by the Court, the Court shall nominate the arbitrator. (S. C. C & R. C.)

When Court to nominate arbitrator.

503. The Court shall, by an order, refer to the arbitrator the matter in difference which he may be required to determine, and shall fix such time as it may think reasonable for the delivery of the award, and specify such time in the order. (S. C. C. & R. C.)

Order of reference.

504. If the reference be to two or more arbitrators, provision shall be made in the order for a difference of opinion among the arbitrators, by the appointment of an umpire, or if the number of arbitrators be uneven, by declaring that the decision shall be with the majority, or by empowering the arbitrators to appoint an umpire, or otherwise as may be agreed between the parties; or, if they cannot agree, as the Court may determine. If the number of arbitrators is uneven, in the absence of a declaration in the reference that all the arbitrators shall concur in the award, the decision shall be with the majority. (S. C. C. & R. C.)

When reference is to two or more, order to provide for difference of opinion

505. If the arbitrator, or where there are more arbitrators than one, any of the arbitrators, or the umpire, shall die, or refuse, or neglect, or become incapable to act, the Court, if the parties so desire, may appoint a new arbitrator or umpire in the place of the person so dying, or refusing or neglecting or becoming incapable to act. (S. C. C. & R. C.)

In case of death, incapacity, or refusal or neglect to act of arbitrators or umpire, Court to appoint others.

506. Where the arbitrators are empowered by the terms of the order of reference to appoint an umpire and fail to do so, any of the parties may serve the arbitrators with a written notice to appoint an umpire; and if within seven days after such notice shall have been served, no umpire be appointed, it shall be lawful for the Court, upon the application of the party having served such notice as aforesaid, and upon proof to its satisfaction of such notice having been served, to appoint an umpire. (S. C. C. & R. C.)

Umpire, if not appointed by arbitrators, may be appointed by Court.

507. An arbitrator or umpire appointed under either of the last two preceding Sections shall have the like powers to act in the reference, as if his name had been inserted in the order of reference. (S. C. C. & R. C.)

Power of arbitrator or umpire appointed under Section 505 or 506.

508. The Court shall issue the same processes to the parties and witnesses whom the arbitrators or umpire may desire to examine, as the Court is authorized to issue in suits tried before it. Persons not attending in accordance with such process, or making any other default, or refusing to give their evidence, or being guilty of any contempt to the arbitrator or umpire during the investigation of the matters referred, shall be subject to the like disadvantages, penalties and punishments by order of the Court on the representation of the arbitrator or umpire, as they would incur for the like offences in suits tried before the Court. (S. C. C. & R. C.)

Summoning witnesses.

Punishment for default, &c.

509. If the arbitrator shall not complete the award within the period specified in the order, from the want of the necessary evidence or information or from any other cause, the Court may grant a further time and may from time to time enlarge the period for the delivery of the award, if it shall think proper. (S. C. C. & R. C.)

Extension of time for making award.

When umpire may arbitrate in lieu of arbitrators.

510. When an umpire shall have been appointed, it shall be lawful for him to enter on the reference in the place of the arbitrators, if they shall have allowed their extended time to expire without making an award, or, when they shall have delivered to the Court or to the umpire a notice in writing, stating that they cannot agree or that they are equally divided. (S. C. C. & R. C.)

Award to be signed and filed.

511. When an award in a suit shall have been made, the person or persons who made it shall sign and file it in Court together with any documents which may have been filed; and notice of the filing of the award shall be given to the parties. (S. C. C. & R. C.)

Arbitrator or umpire may state special case.

512. Upon any reference by an order of Court, and if it is not provided to the contrary, the arbitrator or umpire may state his award as to the whole or any part thereof in the form of a special case for the opinion of the Court. (S. C. C. & R. C.)

Court may, on application, modify or correct award in in certain cases.

513. The Court may, on the application of either of the parties, modify or correct an award where it appears that a part of the award is upon a matter not referred to arbitration, provided such part can be separated from the other part and does not affect the decision on the matter referred, or where the award is imperfect in form or contains any obvious error which can be amended without affecting such decision. (S. C. C. & R. C.)

And make order respecting costs of arbitration.

514. The Court may also, on the application of either of the parties or of the arbitrator or umpire, make such order as it thinks just respecting the costs of the arbitration, if any question arise respecting such costs and the award contain no sufficient provision concerning them. (S. C. C. & R. C.)

Cases in which award or matter referred to arbitration may be remitted.

515. In any of the following cases the Court shall have power to remit the award or any matter referred to arbitration to the reconsideration of the same arbitrator or umpire, upon such terms as it may think proper; that is to say:—

(1). If the award has left undetermined any of the matters referred to arbitration, or if it determine any matter not referred to arbitration.

(2.) If the award is so indefinite as to be incapable of execution.

(3). If an objection to the legality of the award is apparent upon the face of it. (S. C. C. & R. C.)

Grounds for setting aside award.

516. No award shall be liable to be set aside except on the ground of corruption or misconduct of the arbitrator or umpire, or of either party having been guilty of fraudulent concealment of any matter which he ought to have disclosed, or of wilfully misleading or deceiving the arbitrator or umpire, or of the award having been made after the issue of an order by the Court superseding the arbitration and recalling the suit, or of the award not having been made within the period or further period allowed by the Court: Provided that no award shall be set aside on the last mentioned ground, unless it be proved to the satisfaction of the Court that the delay in completing the award arose from the corruption or misconduct of the arbitrator or umpire. (S. C. C. & R. C.)

Proviso as to delay.

Application to set aside award.

517. The application to set aside an award shall be made within fifteen days after notice of the filing of the award shall have been given to the parties as provided in Section 511, and shall be written on the stamp paper prescribed for petitions to the Court where a stamp is required for petitions. (S. C. C. & R. C.)

Judgment to be according to award.

518. If the Court shall not see cause to remit the award or any of the matters referred to arbitration for reconsideration in manner aforesaid, and if no application shall have been made to set aside the award, or if the Court shall have refused such application, the Court shall proceed to give judgment according to the award or according to its own opinion on the special case if the award shall have been submitted to it in the form of a special case; and upon the judgment so given a decree shall follow and shall be enforced in the manner provided in this Code for the execution of decrees. (S. C. C. & R. C.)

Agreement of parties to refer to arbitration may be filed in Court.

519. When any persons shall by an instrument in writing agree that any difference between them or any of them shall be referred to the arbitration of any person named in the agreement or to be appointed by any Court having jurisdiction in the matter to which the agreement relates, application may be made by the parties thereto or any of them, that the agreement be filed in such Court.

Application to be stamped, numbered and registered.

520. The application shall be written on a stamp paper of one-fourth of the value prescribed for plaints in suits, and shall be numbered and registered as a suit between one or more of the parties interested or claiming to be interested as plaintiff or plaintiffs, and the others or other of them as defendants or defendant, if the application have been presented by all the parties, or, if otherwise, between the applicant as plaintiff and the other parties as defendants.

Notice to show cause against filing it.

521. On such application being made, the Court shall direct notice thereof to be given to any of the parties to the agreement other than the applicants, requiring such parties to show cause, within the time specified in the notice, why the agreement should not be filed.

If no cause shown, agreement to be filed and order made thereon.

522. If no sufficient cause be shewn against the agreement, the agreement shall be filed and an order of reference to arbitration shall be made thereon.

Provisions of this Chapter applicable to proceedings under order of reference.

523. The foregoing provisions of this Chapter, so far as they are not inconsistent with the terms of any agreement so filed, shall be applicable to all proceedings under an order of reference made by the Court under the last preceding Section, and to the award of arbitration and to the enforcement of the decree based thereupon.

Filing award in matter referred to arbitration without intervention of Court.

524. When any matter has been referred to arbitration without the intervention of a Court of Justice and an award has been made, any person interested in the award may, within six months from the date of the award, apply to the Court having jurisdiction in the matter to which the award relates, that the award be filed in Court. The application shall be written on paper bearing the stamp prescribed for petitions to the Court where a stamp is required for petitions, and shall be numbered and registered as a suit between the applicant as plaintiff and the other parties as defendants. The Court shall direct notice to be given to the parties to the arbitration other than the applicant, requiring them to show cause, within a time specified, why the award should not be filed.

Application to be stamped, numbered and registered.

Notice to parties to arbitration.

Filing and enforcement of such award.

525. If no sufficient cause be shown against the award, the award shall be filed and may be enforced as a decree upon an award made under the provisions of this Chapter.

CHAPTER VIII.

Of Proceedings on Agreement of Parties.

Parties interested in questions of fact or law may agree to abide by finding of Court thereon.

526. Parties claiming to be interested in the decision of any question of fact or law, may enter into an agreement which shall be subject to the same stamp duty as prescribed for plaints in suits, that such question be stated in the form of a special case for the opinion of the Court; or that upon the finding of the Court in the affirmative or negative of such question a sum of money fixed by the parties or to be determined by the Court, shall be paid by one of the parties to the other of them; or that some property, movable or immovable, specified in the agreement, shall be delivered by one of the parties to the other of them; or that one or more of the parties shall do or perform or refrain from doing or performing some particular act specified in the agreement. (S. C. C.)

Agreement to state value of subject-matter.

527. If the agreement is for the delivery of any property or for the doing or performing or the refraining from doing or performing any particular act, the estimated value of the property to be delivered, or to which the act specified may have reference, shall be stated in the agreement. (S. C. C.)

Agreement to be filed and numbered as a suit.

528. The agreement may be filed in any Court having jurisdiction in the matter to which it relates, and, when so filed, shall be numbered and registered as a suit between one or more of the parties interested or claiming to be interested as plaintiff or plaintiffs, and the other or others of them as defendant or defendants; and notice shall be given to all the parties to the agreement other than the party or parties by whom it was presented. (S. C. C.)

Parties to be subject to Court's jurisdiction.

529. After the agreement shall have been filed, the parties to it shall be subject to the jurisdiction of the Court, and shall be bound by the statements contained therein. (S. C. C.)

Hearing and disposal of the case.

530. The case shall be set down for hearing as a suit instituted under Chapter IV, the provisions of which shall apply to such suit so far as the same are applicable. If the Court shall be satisfied, after an examination of the parties or taking such evidence as it may deem proper, that the agreement was duly executed by them and that they have a *bonâ fide* interest in the question of fact or law stated therein, and that the same is fit to be tried or decided, it shall proceed to record and try or hear the same and deliver judgment thereon, and upon the judgment so given a decree shall follow, and shall be enforced in the manner provided in this Code for the execution of decrees. (S. C. C.)

CHAPTER IX.

Of Regular Appeals.

Regular appeal to lie from all decrees, except when expressly prohibited.

531. Unless when otherwise expressly provided in this Code or by any other law, a regular appeal shall lie from the decrees or from any part of the decrees, including the costs, of the Courts exercising original jurisdiction to the Courts authorized to hear appeals from the decisions of those Courts. Provided that no appeal shall be admitted in respect of costs alone, unless upon the face of the decree or order of the Court below it shall appear that in granting or refusing the costs the Court proceeded upon a mistake or misapprehension. A regular appeal shall also lie from orders rejecting or returning plaints under Section 58 Clause 4 or 5, or Section 59 Clause 4, or Section 60 Clause 1, or from a decree made in conformity with an award under Section 518. No appeal shall lie from a decision or order passed in any suit under the fifteenth Section of Act XIV of 1859 (*to provide for the limitation of suits*).

Appeal to High Court to be heard by two or more Judges.

532. If the appeal lie to the High Court, it shall be heard and determined by a Court consisting of two or more Judges of that Court.

Decision when appeal heard by two Judges only, and they differ.

533. When the appeal is heard by two Judges, if there is a difference of opinion upon the evidence, and one Judge concurs as to the facts with the Court which passed the decree, appealed against, the appeal shall be determined according to the opinion of such Judge. If the two Judges differ in opinion upon a point of law, they shall state the point, and the case shall be re-argued upon that point before the same two Judges if practicable, and one or more of the other Judges, and shall be determined according to the opinion of the majority of the Judges before whom the point is argued, including the Judges who first heard the appeal.

Decision when appeal heard by more than two Judges and they differ.

534. When the appeal is heard by more Judges than two, the decision shall be according to the opinion of the majority. If the number of Judges who hear the appeal be even, and the opinions of the Judges be equally divided, the decision shall be according to the opinion of the Judge or Judges with whom the Senior Judge concurs.

Appeal to Court consisting of a single Judge.

535. If the appeal lie to a Court which consists of a single Judge, the appeal shall be heard and determined by such Judge.

How Regular Appeals are to be preferred.

Form of appeal and time for presentation.

536. The appeal shall be made in the form of a memorandum which shall be presented in the Appellate Court within the period hereinafter specified, unless the appellant show cause to the satisfaction of the Appellate Court for not having presented the appeal within such limited period; that is to say, within thirty days if the appeal be to a District Court, or to the High Court from a decree passed in a suit by that Court in the exercise of its ordinary original Civil jurisdiction, and within ninety days if the appeal be to the High Court in any other suit. The days shall be reckoned from and exclusive of the date of the decree against which the appeal is made, and also exclusive of such time as may be requisite for obtaining copies of the decree and judgment.

Memorandum of appeal.

537. The memorandum of appeal shall set forth concisely and under distinct heads, the grounds of objection to the decree appealed against, without any argument or narrative, and such grounds shall be numbered consecutively.

Appellant confined to grounds set out.

538. The appellant shall not, without the leave of the Court, urge or be heard in support of any other ground of objection, but the Court in deciding the appeal shall not be confined to the grounds set forth by the appellant, and shall of its own motion take cognizance of defences founded on lapse of time, breach of the stamp laws, or want of jurisdiction, though such defences have not been made either in appeal or in the Court of first instance.

Form of memorandum.

539. The memorandum of appeal shall be in the following form, or to the following effect, and shall be accompanied by a copy of the decree appealed against:—

Memorandum of Appeal.

(Name, &c., as in Register.) Plaintiff—Appellant.

(Name, &c., as in Register.) Defendant— Respondent.

[Name of Appellant] Plaintiff [or Defendant] above-named appeals to the High Court at [*or* District Court at as the case may be], against the decree of in the above suit, dated the day of , for the following reasons, namely [*here state the grounds of objection.*]

Memorandum of Appeal to the High Court may be general.

540. If the appeal be to the High Court, but not from a decree made by that Court in the exercise of its ordinary or extraordinary original Civil jurisdiction, the memorandum of appeal, instead of stating the grounds of objection to the decree appealed against, may state only the dissatisfaction of the party preferring the appeal with the decree and his intention to file his grounds of objection subsequently. In such case the grounds of objection shall be filed within one month from the date of the receipt in the High Court of the record of the suit in which the appeal is made, to be certified by an Officer of the High Court at the time of the receipt of the record, or within such shorter period as the High Court shall appoint by a general rule published in the Official Gazette.

In such case grounds of objection to be subsequently filed.

Time for filing grounds of objection may be extended.

541. The High Court may, for sufficient reason, extend the time allowed in the last preceding Section for filing the grounds of objection.

Separate grounds of objection to be on stamp paper.

542. The grounds of objection, when filed separately from the memorandum of appeal, shall be written on a stamp paper of the value of four Rupees. If the grounds of objection cannot be contained in a single sheet of stamp paper, every additional sheet used shall bear a stamp of one Rupee.

Sections 537, 538, and 539 to apply to grounds of objection separately filed.

543. The provisions of Sections 537, 538 and 539 shall be applicable to the grounds of objection when filed separately from the memorandum of appeal.

Effect of memorandum not being presented in time.

544. If the memorandum of appeal be not presented within the prescribed period and no sufficient cause be shown for the delay, the appeal shall be disallowed.

Effect of grounds of objection not being filed in time.

545. If the grounds of objection, when allowed to be filed separately, be not filed within the prescribed period or within the further time to which such period may have been extended by the Court, the appeal shall be struck off the file.

Rejection of memorandum or grounds of objection for informality or want of proper stamp.

546. If the memorandum of appeal or the grounds of objection be not drawn up in the manner hereinbefore prescribed, or do not bear the proper stamp, such memorandum or grounds may be rejected or returned to the appellant for the purpose of being amended within a time to be fixed by the Court.

One of several plaintiffs or defendants may obtain a reversal of the whole decree if it proceed on a ground common to all.

547. If there be more plaintiffs or more defendants than one in a suit, and the decree appealed against proceed on any ground common to all the plaintiffs or to all the defendants, any one of the plaintiffs or of the defendants may appeal against the whole decree, and the Appellate Court may reverse or modify the decree in favour of all the plaintiffs or defendants as the case may be.

Court may adjourn hearing and direct that persons appearing to be interested shall be made parties.

548. If it appear to the Court at the hearing of an appeal, that any person who was a party to the suit in the Court against whose decree the appeal is made, and who has not been made a party to the appeal, may be affected by the result of the appeal, the Court may adjourn the hearing of the appeal to a future day to be fixed by the Court, and direct that such person shall be made a respondent in the appeal. In such case the Court shall issue a notice to such person in the manner hereinafter provided for the service of a notice on a respondent to appear and answer the appeal.

Of staying and executing Decrees under Appeal.

Execution of decree not to be stayed solely by reason of appeal, but on sufficient cause shown.

549. Execution of a decree shall not be stayed by reason only of an appeal having been preferred against the decree; but the Appellate Court may, for sufficient cause shown, order the execution to be stayed.

Security required before making order to stay execution.

550. If an application be made for the execution of a decree which is open to appeal, before the time allowed for appeal has expired, and the Court which passed the decree has not received intimation of an appeal having been preferred therefrom, the Court may, if sufficient cause be shown, stay the execution. Before making an order to stay execution, the Court shall require security to be given by the party against whom the decree was passed for the due performance of the decree or order of the Appellate Court.

Security in case of order for execution of a decree appealed against.

551. If an order is made for the execution of a decree against which an appeal has been preferred, the Court which passed the decree may require security to be given for the restitution of any property which shall be taken in execution of the decree or of the value of such property and for the due performance of the decree or order of the Appellate Court, or the Appellate Court may direct the Court which passed the decree to take such security.

But Court may stay execution on such terms as it may think proper.

552. The Appellate Court may direct that execution of a decree against which an appeal has been preferred, shall be stayed on such terms as to the taking of security as it may think proper.

No such security to be required from Government or public Officers.

553. No such security as is mentioned in the last three preceding Sections shall be required from the Government or from an Officer of the Government as such Officer.

Of Procedure in Appeal from Decrees.

Registry of memorandum of appeal.

554. When a memorandum of appeal is presented within the time allowed, the Appellate Court or the proper Officer of that Court, if the memorandum be duly stamped and in the prescribed form, shall endorse thereon the date of presentment, and shall register the appeal in a book to be kept for the purpose. Such book shall be called the Register of Appeals and shall be in the form contained in the Schedule E hereunto annexed.

Form of Register.

Appellate Court may require appellant to give security for costs.

555. The Appellate Court may, at its discretion, demand security for costs from the appellant before the respondent is called upon to appear and answer: Provided that the Court shall demand such security in all cases in which the appellant is residing out of British India, and is not possessed of any sufficient immovable property within British India independent of the property to which the appeal relates. If such security be not furnished at the time of presenting the memorandum of appeal or within such time as the Court shall order, the Court shall reject the appeal.

When appellant resides out of British India.

Appellate Court to give notice to Court whose decree is appealed against.

556. When the memorandum of appeal has been registered or when the grounds of objection are filed, the Appellate Court shall send notice of the appeal to the Court against whose decree the appeal is made. If the appeal be from a Court the records of which are not deposited in the Appellate Court, the Court to which such notice is sent shall, upon the receipt thereof, transmit with all prac[illegible] despatch all material papers in the suit, [illegible]rs as may be specially called for by t[illegible]ate Court.

Transmission of papers to Appellate Court.

557. Either party may make an application in writing to the Court against whose decree the appeal is made, specifying any papers of which he requires copies to be made and deposited in such Court, and copies of such papers shall be prepared at the expense of the applicant, and shall be deposited accordingly.

Either party may have copies of exhibits made and deposited in Court whose decree is appealed against.

558. A day shall be fixed by the Appellate Court for the hearing of the appeal. The day shall be so fixed, with reference to the place of residence of the respondent and the time necessary for the service of the notice of appeal, as to allow the respondent a sufficient time to enable him to appear and answer the appeal on such day

Day for hearing appeal.

559. Notice of the day which has been fixed for hearing the appeal shall be affixed in the Appellate Court, and a like notice shall be sent by the Appellate Court to the Court against whose decree the appeal is made, and shall be served on the respondent in the manner provided in Chapter IV for the service of a summons to a defendant to appear and answer, and all rules applicable to such summons and to proceedings with reference to the service thereof, shall apply to the service of such notice. The Appellate Court may itself cause the notice to be served on the respondent under the rules abovementioned, instead of sending the notice to the Court against whose decree the appeal is made, whenever it shall appear convenient to do so.

Publication and service of notice of the day fixed for hearing appeal.

Appellate Court may itself cause notice to be served.

560. The notice to the respondent shall declare that, if he does not appear in the Appellate Court on the day so fixed for the hearing of the appeal, the appeal will be heard *ex-parte*. Provided that, if the respondent has appointed an Advocate to appear in his behalf in the Appellate Court, the service of the notice on such Advocate shall be sufficient.

Contents of notice.

Service of notice on Advocate.

561. If on the day fixed for hearing the appeal or any other day subsequent thereto to which the hearing of the appeal may be adjourned, the appellant shall not attend, the appeal shall be dismissed for default. If the appellant shall attend and the respondent shall not attend, the appeal shall be heard *ex-parte* in his absence.

Dismissal of appeal for appellant's default.

Hearing appeal *ex parte*.

562. If on the day fixed for hearing the appeal it shall be found that the notice to the respondent has not been served in consequence of the failure of the appellant to deposit, within the time allowed, the sum required to defray the cost of issuing the notice, the Court may order that the appeal be dismissed: Provided that no such order shall be passed, although the notice shall not have been served upon the respondent, if on the day fixed for hearing the appeal the respondent shall appear in person or by an Advocate, or by a duly authorized agent.

Dismissal of appeal where notice has not been served in consequence of appellant's failure to deposit cost of notice.

Proviso.

563. If an appeal be dismissed for default the appellant may, within thirty days from the date of the dismissal, apply to the Appellate Court for the re-admission of the appeal; and if it shall be proved to the satisfaction of the Court that the appellant was prevented by any sufficient cause from attending when the appeal was called on for hearing, the Court may re-admit the appeal on such terms as to costs or otherwise as to the Court may seem just.

Re-admission of appeal dismissed for default.

564. The respondent, though he may not have appealed against any part of the decree, may, upon the hearing, take any objection to the decree, provided he shall give seven days' notice in writing of such objection. Such writing shall be in the form of a memorandum, and shall be on the stamp paper prescribed for petitions to the Court, and the provisions of Sections 537, 538 and 539, so far as they relate to the form and contents of the memorandum of appeal, shall be applicable to such memorandum.

Upon the hearing, respondent may object to decree as if he had preferred a separate appeal.

Previous notice in writing of objections.

565. The Appellate Court, after hearing the parties or their Advocates and referring to any part of the proceedings, whether held in appeal or in the Court against whose decree the appeal is made, to which a reference may be considered necessary, shall pronounce judgment in open Court, either at once or on some future day, of which notice shall be given to the parties or their Advocates.

Judgment when and where to be pronounced.

566. The judgment shall be written in the English language; but if English shall not be the vernacular language of the Judge, and the Judge shall not be able to write an intelligible judgment in English, the judgment shall be written in the vernacular language of the Judge.

In what language to be written.

567. When the language in which the judgment is written is not the language in ordinary use in proceedings before the Court, the judgment shall, if any party so require, be translated into such language, and the translation shall be signed by the Judge or Judges.

When to be translated.

568. The judgment of the Appellate Court shall contain the points for determination, the decision thereupon, and the reasons for the decision; and shall at the time that it is pronounced be dated and signed by the Judge or by the Judges concurring therein.

Contents of judgment.

569. When the appeal is heard by more Judges than one, any Judge dissenting from the judgment of the Court shall state in writing the decision or order which he thinks should be passed on the appeal, and he may state his reasons for the same.

Dissent to be recorded

570. The judgment may be for confirming or reversing or modifying the decree of the Court against which the appeal is made, or, if the parties to the appeal agree as to the form which the decree in appeal shall take, or as to the order which shall be passed in appeal, the Appellate Court may pass a decree or order accordingly: Provided that no portion of the stamp duty paid on the memorandum of appeal shall be refunded by reason of an adjustment or compromise between the parties to the appeal.

What judgment may direct.

Proviso.

571. No decree shall be reversed or modified, nor shall any case be remanded in appeal, on account of any error, defect or irregularity, whether in the decision or in any order passed in the suit, or otherwise, not affecting the merits of the case or the jurisdiction of the Court.

No decree to be reversed or modified for error or irregularity.

572. If the Court against whose decree the appeal is made shall, without going into the merits, dispose of the suit upon any preliminary point so as to exclude any evidence of fact which shall appear to the Appellate Court essential to the rights of the parties, and the decree upon such preliminary point shall be reversed in appeal, the Appellate Court may, if it think right, remand the case, together with a copy of the decree or order in appeal to the Court against whose decree the appeal is made, with directions to re-admit the suit under its original number in the Register, and to proceed to investigate the suit on its merits, and pass a decree thereon.

Remand of case by Appellate Court.

573. It shall not be competent to the Appellate Court to remand a case for a second decision, except as provided in the last preceding Section.

Power to remand limited.

574. When the evidence upon the record is sufficient to enable the Appellate Court to pronounce judgment, the Appellate Court shall finally determine the case notwithstanding that the judgment of the Court against whose decree the appeal is made has proceeded wholly upon some ground other than that on which the Appellate Court proceeds.

When evidence on record is sufficient, Appellate Court shall determine case finally.

575. If the Court against whose decree the appeal is made shall have omitted to raise or try any issue or to determine any question of fact which shall appear to the Appellate Court essential to the right determination of the suit upon the merits, and the evidence upon the record is not sufficient to enable the Appellate Court to determine such issue or question of fact, the Appellate Court may frame issues for trial, and may refer the same for trial to the Court against whose decree the appeal is made, and such Court shall proceed to try such issue, and shall return to the Appellate Court its finding thereon together with the evidence.

When Appellate Court may frame issues and refer them for trial to Court whose decree is appealed against.

576. Such finding and evidence shall become part of the record in the suit; and either party may, within a time to be fixed by the Appellate Court, file a memorandum of objections to the finding. Such memorandum shall be on the stamp paper prescribed for petitions to the Court, and shall set forth concisely and under distinct heads and without argument or narrative the grounds of objection to the finding, which grounds shall be numbered consecutively. After the expiration of the period fixed for filing such memorandum, the Appellate Court shall proceed to determine the appeal.

Finding and evidence to be put on record.

Objections to finding.

577. The parties to an appeal shall not produce additional evidence, whether oral or documentary, in the Appellate Court; but if it appear that the Court against whose decree the appeal is made refused to admit evidence which ought to have been admitted, or if the Appellate Court require any document to be produced or any witness to be examined to enable it to pronounce judgment or for any other substantial cause, the Appellate Court may allow such document to be received or such witness to be examined, whether such document or witness shall or shall not have been previously produced or examined: Provided that, whenever additional evidence is admitted by an Appellate Court, the reason for the admission shall be recorded on the proceedings of the Court.

Parties not to produce additional evidence to Appellate Court unless Court call for such evidence.

578. Whenever additional evidence is permitted to be received, it shall be competent to the Appellate Court to take such evidence, or the Appellate Court may require the Court against whose decree the appeal is made or any other Court, or may empower any person, to take such evidence, and to transmit the evidence so taken to the Appellate Court. It shall also be competent to the Appellate Court to prescribe the manner in which such additional evidence shall be taken.

Additional evidence how taken.

579. In all cases where additional evidence is permitted to be taken, the Appellate Court shall define the points to which the evidence is to be confined, and record the same on its proceedings.

Points to be defined and recorded.

580. The decree of the Appellate Court shall bear date the day on which the judgment was pronounced. The decree shall contain the number of the appeal, and the memorandum of appeal, including the names and description of the appellant and respondent, and shall specify

Contents of decree.

clearly the relief granted or other determination of the appeal. The decree shall also state the amount of costs incurred in the appeal, and by what parties and in what proportions such costs and the costs in the suit are to be paid. The decree shall be signed by the Judge or Judges who passed it, and shall be sealed with the seal of the Court.

Judge dissenting from judgment need not sign decree.

581. Where there are more Judges than one, if there be a difference of opinion among them, it shall not be necessary for any Judge dissenting from the judgment of the Court to sign the decree.

Copies of judgment and decree to be furnished to parties.

582. Certified copies of the judgment and decree shall be furnished to the parties, in the same manner as provided in Chapter IV in regard to the decrees of Courts of original jurisdiction.

Certified copy of the decree to be transmitted to the Court whose decree is appealed against.

583. A copy of the decree or other order disposing of the appeal, certified by the Appellate Court or the Registrar or Clerk of the Court, and sealed with the seal of the Court, shall be sent to the Court which passed the decree appealed against, and shall be filed with the original proceedings in the suit, and an entry of the judgment of the Appellate Court shall be made in the Register of the suit.

Appellate Court to have same powers as Courts of original jurisdiction.

584. Unless when otherwise provided in this Code or by any other law, the Appellate Court shall have the same powers in regular appeals in respect to adjournments, granting of time, arrest or attachment before judgment, issue of injunctions, examination of the parties or their Advocates and of witnesses or other persons, issue of Commissions, award of interest or mesne profits or otherwise, as are vested by this Code in Courts of original jurisdiction in respect of suits instituted under Chapter IV, the provisions of which and of Chapter VII relating to arbitration, unless when otherwise provided, shall apply to regular appeals so far as the same are applicable.

Reference of question to High Court.

585. If in the hearing of a regular appeal in which the decree or order which shall be passed in such appeal is made final by Section 596, any question of law or usage having the force of law, or the construction of a document which construction may affect the merits shall arise, on which the Court trying the appeal shall entertain reasonable doubt, the Court may, either of its own motion or on the application of any of the parties to the suit, draw up a statement of the case, and submit such statement with its own opinion for the decision of the High Court.

Court may pass decree contingent upon opinion of High Court.

586. The Court may proceed in the appeal notwithstanding a reference to the High Court, and may pass a decree contingent upon the opinion of the High Court on the point referred; but no execution shall be issued in any case in which such reference shall be made to the High Court, until the receipt of the order of that Court.

Two or more Judges of High Court to hear reference.

587. References made for the opinion of the High Court under Section 585, shall be heard by two or more Judges of that Court.

High Court to fix day for hearing and to notify same.

588. The High Court shall fix an early day for the hearing of the reference, and notice of such day shall be fixed up in the Court-house.

Parties may appear and be heard in person or by Advocate.

589. The parties to the appeal in which the reference is made may appear and be heard in the High Court in person or by an Advocate.

Judgment of High Court to be transmitted, and case disposed of accordingly.

590. The High Court, when it has heard and determined the point referred to it, shall transmit a copy of its judgment under the seal of the Court and the signature of the Registrar, to the Court by which the reference was made, and such Court shall, on the receipt thereof, proceed to dispose of the appeal in conformity with the decision of the High Court.

Costs of reference to High Court.

591. Costs, if any, consequent on a reference for the opinion of the High Court, shall be costs in the appeal.

Execution of decree of Appellate Court.

592. When a party in whose favour a decree is passed in regular appeal is desirous of obtaining execution of the same, he shall apply to the Court which passed the decree against which the appeal was preferred, and such Court shall proceed to execute the decree passed in appeal, in the manner and according to the rules contained in Chapter V for the execution of decrees in suits.

CHAPTER X.

Of Special Appeals.

Special appeals to High Court.

593. Unless when otherwise provided in this Code or by any other law, a special appeal shall lie to the High Court from all decrees passed in regular appeal by the subordinate Courts on the ground of the decision being contrary to some law or usage having the force of law, or its having failed to determine some issue of law or usage having the force of law, or on the ground of a substantial error or defect in law in the procedure as prescribed by this Code or any other law which may have produced error or defect in the decision of the case upon the merits.

Grounds of special appeal.

Special appeal from decree by District Court on reference under Section 243.

594. If a suit in which a reference has been made to the District Court under Section 243 come before such Court in regular appeal, it may be a ground of special appeal from the decree passed by the District Court

on such regular appeal, that the opinion given by the District Court on the question of the law of the religion or established custom referred to such Court is erroneous or that the District Court had wrongly interpreted such law or custom.

Special appeal only on grounds mentioned in Sections 593 and 594.

595. No special appeal shall lie except on the grounds mentioned in the two last preceding Sections.

No special appeal from decision of subordinate Court in certain suits.

596. No special appeal shall lie from any decree or order which shall be passed on regular appeal by any subordinate Court in any suit of the nature cognizable in Courts of Small Causes when the debt, damage, or demand for which the original suit shall be instituted, shall not exceed the sum of five hundred Rupees. Every such decree or order shall be final.

By whom and when a special appeal is to be presented.

597. A special appeal shall be presented in the High Court by an Advocate of the High Court within the period of sixty days, unless the applicant show cause to the satisfaction of the High Court for not having presented it within such period. The period shall be reckoned from and exclusive of the day on which judgment was pronounced, and also exclusive of such time as may be requisite for obtaining copies of the decree and judgment appealed against.

Contents of memorandum of appeal.

598. The memorandum of appeal shall be written on a stamp paper of the value prescribed for regular appeals, and shall set forth concisely the grounds of objection to the decree appealed against without argument or narrative. Such grounds shall be numbered consecutively.

Copies of judgments and decrees to accompany memorandum.

599. The memorandum of appeal shall be accompanied by copies of the judgments and decrees of the Lower Appellate Court and of the Court of first instance.

Advocate presenting it to certify that grounds stated are good for special appeal.

600. The memorandum shall be signed by the Advocate who presents it, and such Advocate shall certify in writing on the back of the memorandum that he has considered the grounds stated for a special appeal, and that in his opinion such of the grounds as he shall refer to by their numbers are well founded and sufficient. No Vakeel shall give such certificate unless he shall have been authorized in that behalf by the High Court.

Appellants confined to grounds stated.

601. The appellant shall not without the leave of the Court, be heard in support of any ground of objection other than the grounds set forth in the memorandum.

Informal memorandum of special appeal.

602. If the memorandum of special appeal be not written on a stamp paper of the prescribed value, or if it be not drawn up and presented in the manner herein before prescribed, or if it be not signed or have not such certificate duly endorsed upon it as in Section 600 mentioned, or if it do not state any ground on which a special appeal will lie under the provisions of Section 593 or Section 594, the Court may reject the memorandum or may return it to the party for the purpose of being amended within a time to be fixed by the Court. The order for rejecting the memorandum or for returning it to the party may be passed by a single Judge of the Court.

Registry of application.

603. If the memorandum is in due form, it shall be registered in a book to be kept for the purpose, which shall be in the form contained in the Schedule F hereunto annexed, and the case shall proceed in all other respects as a regular appeal, and shall be subject to all the rules provided in Chapter IX for regular appeals, so far as the same are applicable.

Application to be argued only by Advocate signing it.

604. No application for a special appeal shall be filed or argued before the High Court except by an Advocate of the Court who shall have signed the certificate required by Section 600.

Execution of decree in special appeal.

605. The decrees passed in special appeal shall be executed by the Court which made the decree in the suit in which the special appeal was preferred, in the manner and under the rules provided in Chapter V for the execution of decrees in suits.

Power to call for record of cases decided by Small Cause Courts, or, on appeal, by subordinate Courts.

606. The High Court may call for the record of any case decided by a Court of Small Causes, or on appeal, by any subordinate Court, in which no appeal shall lie to the High Court, if such Court of Small Causes or such subordinate Court on hearing the appeal shall appear to have exercised a jurisdiction not vested in it by law, or to have passed any order contrary to law.

CHAPTER XI.

Of Regular and Special Appeals in forma pauperis.

Who may appeal as pauper.

607. Any person entitled under this Code or any other law to prefer a regular or special appeal, who may be unable to pay

the stamp duty required for the petition of appeal may on application be allowed to appeal *in formâ pauperis*, subject to the rules contained in Chapters IX or X, according as the application may be for the admission of a regular or special appeal, in so far as those rules are applicable.

Application to be on stamp paper.

608. An application made under the last preceding Section to be allowed to appeal *in formâ pauperis* shall be written on a stamp paper of the value of one Rupee if the appeal lie to the District Court, and on a stamp paper of the value of two Rupees if the appeal lie to the High Court, and shall be presented in the Appellate Court within the period allowed for the presentation of a memorandum of regular appeal or of special appeal as the case may be.

When to be presented.

Contents of application.

609. The application shall contain the particulars required by this Code to be set forth in a memorandum of regular appeal or special appeal, as the case may be, and shall be drawn up in the like manner.

Schedule to application.

610. The application shall have annexed to it a Schedule of any movable or immovable property belonging to the applicant, with the estimated value thereof, and shall also be accompanied by copies of the judgment and decree from which the appeal is made, and, if the application be for the admission of a special appeal, of the judgment and decree of the Court of first instance.

Procedure on application for admission of regular and special appeals.

611. If the application be for the admission of a regular appeal, and the Court, upon a perusal of the application and of the judgment and decree against which the appeal is made, shall see no reason to think that the decree appealed against is contrary to law or to some usage having the force of law, or is otherwise erroneous or unjust, or if the application be for the admission of a special appeal and the judgment and decree against which the appeal is made, shall not appear to the Court, upon a perusal of the same and of the application, to be open to objection on any ground upon which a special appeal is admissible under Chapter X, the Court shall reject the application. The Court may also reject the application if it be not drawn up in the mode prescribed by this Chapter or if it do not bear the proper stamp: or the Court may return the application to the party presenting the same for the purpose of being amended within a time to be fixed by the Court. If the application lie to the High Court, the order rejecting it may be passed by a single Judge of the Court.

Inquiry into pauperism to be made in what cases and by what Court.

612. If the application be not rejected upon any of the grounds above mentioned, enquiry shall be made into the pauperism of the applicant. Such enquiry may be conducted either by the Appellate Court or by the Court against whose decision the appeal is made under the orders of the Appellate Court: Provided that, if the applicant was allowed to sue or appeal *in formâ pauperis* in the Court against whose decree the appeal is made, no further enquiry in respect of his pauperism shall be necessary, unless the Appellate Court shall see special cause to direct such enquiry.

Proviso.

Effect of order by Appellate Court on pauper's application.

613. The order passed by the Appellate Court on an application to be allowed to appeal *in formâ pauperis*, whether for the admission or rejection of the application, shall be final; but, if the application be rejected, the Appellate Court may, if it think proper, allow the applicant a reasonable time for preferring a regular appeal or an application for a special appeal, on a stamp of the value prescribed for petitions of regular appeals from decrees, or for applications for a special appeal as the case may be.

CHAPTER XII.

OF APPEALS FROM ORDERS.

Orders appealable.

614. An appeal shall lie from the following orders:—

(1.) From orders rejecting or returning plaints under Section 58, 59 or 60, with exception of orders passed under Clause 4 or Clause 5 of Section 58, Clause 4 of Section 59 and Clause 1 of Section 60:

(2.) From orders passed against the defendant under Section 115, 116, 118, 120, 124, 135, 139 or 140:

(3.) From orders rejecting applications made under Section 172 or 173 in cases open to appeal:

(4.) From orders passed under Section 235 256 or 259 for the sale of property attached:

(5.) From orders passed under Section 332:

(6.) From orders passed under Section 416 for setting aside, or under Section 417 for confirming, a sale:

(7.) From orders passed under Section 431 and under Section 432, that the applicant shall be satisfied out of the proceeds of attached property:

(8.) From orders passed under Section 435 in cases in which a regular appeal is allowed from the decree in the execution of which the order was passed:

(9.) From orders passed under Section 447 that the defendant be discharged from Jail.:

(10.) From orders passed under Section 477 for issuing, or refusing to issue, execution on a bond

Appeal from orders as to fines or imprisonment.

615. An appeal shall lie from orders passed under the provisions of this Code, imposing fines or as to the levying of the fines so imposed, or for the imprisonment of any person except when such imprisonment is in execution of a decree.

616. When an appeal from an order is allowed by this Code or by any other law, it shall be heard by the Court competent to hear regular appeals from decrees of the Court which passed the order.

Appeals by what Court to be heard.

617. The period for presenting the appeal and the procedure thereon shall in all respects be the same as in a regular appeal from a decree in a suit, as prescribed in Chapter IX, the provisions of which shall apply to appeals from orders under this Chapter so far as they are applicable.

Period for hearing and procedure in appeals from orders.

618. Unless when otherwise provided in this Code, no appeal shall lie from any order passed in the course of a suit and relating thereto, prior to decree; but if the decree be appealed against, any error, defect or irregularity in any such order, affecting the merits of the case or the jurisdiction of the Court, may be set forth as a ground of objection in the memorandum of appeal.

No appeal, before decree, from order passed in course of suit; but if decree appealed against, error or defect therein may be set forth.

619. Unless when otherwise provided in this Code, no appeal shall lie from any order passed after decree and relating to the execution thereof.

No appeal from order passed after decree, relating to its execution.

620. Unless when otherwise provided in this Code or by any other law, the orders passed in appeals preferred under this Chapter shall be final; but if in the course of the hearing of any such appeal any question of law or usage having the force of law, or the construction of a document, which construction shall affect the merits of the decision, shall arise, on which the Appellate Court shall entertain reasonable doubt, the Court may either of its own motion or on the application of any of the parties to the appeal, draw up a statement of the case, and submit it with its own opinion for the decision of the High Court.

Orders passed in appeals under this Chapter to be final.

But case may be submitted for decision of High Court.

621. The provisions contained in Sections 587 to 592, both inclusive, shall apply to references made to the High Court under the provisions of the last preceding Section.

Provisions applicable to reference to High Court under last Section.

622. Except as provided in this Code or in any other law, no appeal shall be allowed from any decree or order.

Save as aforesaid no appeal allowed.

CHAPTER XIII.

REVIEW OF JUDGMENT.

623. Any person considering himself aggrieved—

Review of Judgment.

(a.) By a decree from which a regular appeal is allowed, but from which no appeal shall have been preferred—

(b.) By a decree passed in regular appeal from which a special appeal is allowed, but from which a special appeal shall not have been admitted—

(c.) By a decree from which an appeal is allowed to Her Majesty in Council, but from which no appeal shall have been preferred, or, if an appeal shall have been preferred, no proceedings shall have been transmitted to Her Majesty in Council—

(d.) By a decree passed in special appeal from which no appeal to Her Majesty in Council is allowed—

And who, from the discovery of new matter or evidence which was not within his knowledge or could not be adduced by him at the time when the decree was passed, or for any other good and sufficient reason, may be desirous of obtaining a review of the decree passed against him —may apply for a review of judgment to the Court which passed the decree.

On discovery of new evidence, &c.

624. The application, if the decree to which it refers was passed in a suit, shall be made within one month from the date of the decree, and within sixty days if the decree was passed in regular or special appeal, unless the party making the application shall be able to shew cause, to the satisfaction of the Court, for not having preferred the application within such limited period.

Time allowed for making application.

625. The application shall be written on the stamp paper prescribed for plaints, and shall set forth concisely and under distinct heads the grounds on which the review is applied for. Such grounds shall be numbered consecutively.

Contents of application.

626. If the application be presented by an Advocate, he shall certify under his signature on the back of the application, that he has examined the grounds on which the review is applied for, and that he considers such of them as he shall refer to by their numbers well founded and sufficient.

Advocate presenting application to certify as to grounds being good.

627. No Advocate shall be allowed to argue in support of an application for a review of Judgment, who shall not have signed the certificate required by the last preceding Section, or if the application was presented by the applicant in person or by another Advocate, who has not signed a certificate to the same effect to be written on the back of the application.

No Advocate allowed to argue who has not signed certificate.

628. If it appear to the Court that there is not sufficient ground for a review, it shall reject the application, but if the Court shall be of opinion that the review desired is necessary to correct an evident error or omission, or is otherwise requisite for the ends of

Court may reject application or grant review.

justice, it shall grant the review: Provided that no review shall be granted without previous notice to the opposite party to enable him to appear and be heard in support of the decree a review of which is applied for: Provided also that no review shall be granted by any Court subordinate to a District Court without the previous permission of such Court, and that no review shall be granted by a District Court without the previous permission of the High Court.

Proviso.

629. If the Judge or Judges or any of the Judges who shall have passed the decree, a review of which is applied for, shall continue attached to the Court at the time when the application for a review is presented, and shall not be precluded by absence or other cause, for a period of six months after the application, from considering the judgment to which the application refers, such Judge or Judges or any of them shall hear the application, and it shall not be competent to any other Judge or Judges of the Court in any such case to hear the application.

Application for review in Court consisting of two or more Judges, must be heard by Judge or Judges who passed the decree.

630. If the application for a review be heard by two Judges, and they differ as to whether the application should be admitted or rejected, the application shall be rejected.

Application rejected if heard by two Judges and they differ in opinion.

631. If the application be heard by more than two Judges, the decision shall be according to the opinion of the majority, or if the opinions of the Judges be equally divided, according to the opinion of the Judge or Judges with whom the senior Judge concurs.

Decision when application heard by more than two Judges.

632. The order of the Court, whether for granting the review or rejecting the application, shall be final.

Order of Court to be final.

633. When an application for a review is granted, a note thereof shall be made in the Register of suits or appeals (as the case may be), and the Court may at once re-hear the case or make such order in regard to the re-hearing as it may deem proper.

Registry of application granted, and order for re-hearing.

634. Any order not subject to appeal may be reviewed by the Court by which it was passed subject to the rules contained in this Chapter so far as the same are applicable: Provided that no such review shall be granted by any Court subordinate to a District Court without the previous permission of such Court, and that no such review shall be granted by a District Court without the previous permission of the High Court.

Review of orders not subject to appeal.

CHAPTER XIV.

SPECIAL RULES RELATING TO THE HIGH COURTS.

635. The High Court may, in the exercise of its ordinary original Civil jurisdiction, try and determine suits of every description, if in the case of suits for immovable property the property shall be situate, or, in all other cases, if the cause of action shall have arisen, or the defendant at the time of the commencement of the suit shall dwell, or carry on business, or personally work for gain, within the local limits to which the jurisdiction of the Court extends: Provided that no High Court shall, in the exercise of its ordinary original Civil jurisdiction, be empowered to try any case in which the debt or damage or value of the property sued for, does not exceed five hundred Rupees, and which falls within the jurisdiction of a Small Cause Court situate within the local limits of the ordinary original Civil jurisdiction of such High Court.

Ordinary original Civil jurisdiction of the High Court.

636. The High Court shall have power to remove and to try and determine as a Court of extraordinary original Civil jurisdiction, any suit being or falling within the jurisdiction of any Court subject to its superintendence, other than a Court of Small Causes, when such High Court shall think proper so to do, either on the agreement of the parties to that effect, or for purposes of justice, the reason being recorded in the proceedings of the High Court removing the suit.

Extraordinary original Civil jurisdiction of the High Court.

637. The High Court, in the exercise of its ordinary original Civil jurisdiction, may try and determine suits instituted in such Court for immovable property, notwithstanding that such property may be situate partly within the local limits of its ordinary original Civil jurisdiction, and partly within the local limits of the jurisdiction of some other Court.

High Court may try suit for land situated partly within the limits of its ordinary original Civil jurisdiction.

638. No instrument or writing of any of the kinds specified as requiring stamps in Schedule B annexed to Act X of 1862 *(to consolidate and amend the law relating to stamp duties)*, or in this Code, shall, except as is herein otherwise provided, be filed, exhibited or recorded in, or shall be received or furnished by any High Court in any case coming before such Court in the exercise of its ordinary or extraordinary original Civil jurisdiction, unless such instrument or writing be upon a stamp of a value not less than that indicated by the said Schedule B as the proper stamp for similar instruments and writings in any Civil Court below the Sudder Court, or than that indicated by this Code, or in any case coming before such Court in the exercise of its Appellate jurisdiction, unless such instrument or writing be upon a stamp of a value not less than that indicated by the said Schedule B as the proper stamp for similar instruments and writings in the Sudder Court, or than that indicated by this Code.

Stamps to be used in the High Court.

In certain cases plaint to bear stamp of 32 Rupees; and Court after decree to determine how much more is to be paid.

639. If in a suit instituted in a High Court in the exercise of its ordinary original Civil jurisdiction, or in appeal from a decision passed by a High Court in the exercise of such jurisdiction, the claim is not capable of being estimated at the selling price under Rule (*e*) of Article 11 of Schedule B of the said Act X of 1862, the plaint or petition of appeal shall be written on a stamp of the value of thirty-two Rupees. On the decision of such suit or appeal, if the decision be in favour of the plaintiff or appellant, the Court shall calculate the stamp duty payable, according to the rules above mentioned, on the amount or value of the property, if any, decreed, or to which the right of the party in whose favour the decree is made is declared by the decree, whether immediately or contingently; and if such amount or value exceed the sum of five hundred Rupees, the Court shall declare what additional stamp duty shall be paid, so that the total amount paid may be the same as would have been payable had the suit or appeal been originally instituted for the amount or value so estimated by the Court. The additional stamp duty ordered to be paid shall be costs in the suit, and shall be paid out of any money recovered on account of such costs, whether at the instance of the Government or of any of the parties, before any other costs in the suit are paid to any of the said parties.

High Court to record its judgments and orders as it shall by rule direct.

640. The High Court and the Division Courts and Judges of the High Court shall take evidence, record their judgments, and the orders passed by them in such manner as the High Court shall by any rule from time to time direct.

Decision when Judges of Division Court differ.

641. If a Division Court is composed of more Judges than one, and the Judges are divided in opinion as to the decision to be given on any point, such point shall be decided according to the opinion of the majority of the Judges if there shall be a majority, but if the Judges shall be equally divided then the opinion of the senior Judge shall prevail.

Execution may issue in certain cases before the amount due for costs has been ascertained, and execution for costs may issue subsequently when their amount is ascertained.

642. Whenever a High Court or any Division Court or Judge of a High Court may consider it necessary that a decree made in the exercise of the ordinary original Civil jurisdiction of the said Court should be enforced before the amount of the costs incurred in the suit can be ascertained by taxation, the Court or Judge may order that the decree shall be executed forthwith except as to so much thereof as relates to the costs; and, as to so much thereof as relates to the costs, that the decree may be executed as soon as the amount of the costs shall be ascertained by taxation.

Acts required to be done by Advocate may be done by an Attorney.

643. Whenever in any suit or proceeding coming before a High Court in the exercise of its ordinary original Civil jurisdiction, or in any appeal coming before a High Court from a decision passed by such Court in the exercise of its ordinary original Civil jurisdiction anything is directed by this Code to be done by or through an Advocate, such act may be done by or through an Attorney-at-Law of the Court; provided that no Attorney shall under the provisions of this Section plead in a High Court or in any Division Court or before a Judge of a High Court for any person.

Proviso.

Process of High Courts may be served by Attorneys in suit.

644. Notices to produce documents, summonses to witnesses, and every other judicial process, issued in the exercise of the ordinary original Civil jurisdiction of the High Court, except writs of summons to defendants issued under Section 72 and writs of execution, may be served by the Attorneys in the suit or by persons employed by them, or in such other manner as the High Court shall by any rule or order from time to time direct.

Power of Division Court or Judge of High Court to refer matters for investigation by a single Judge.

645. If, in any suit instituted in the High Court in the exercise of its ordinary original Civil jurisdiction, the Division Court or Judge hearing such suit shall be of opinion that any matter of account, detail or other description may be more conveniently investigated by a Judge sitting in Chambers or by an Officer of the Court, it shall be lawful for such Court or Judge to refer such matter for the consideration of a Judge in Chambers or the Registrar or some other Officer, and such matter shall thereupon be investigated by such Judge or Registrar or other Officer, who shall proceed with such investigation and shall make his report thereon. Such report shall, if made by a Judge, be open to revision by any Court of Appeal to which the order or decree founded thereon may be appealable, and if made by the Registrar or other Officer shall be open to revision by the Judge by whom the matter was so referred, or by such other Judge as the Chief Justice shall appoint in that behalf. The Chief Justice shall from time to time determine in each case what Judge shall take or proceed with the investigation of any matter referred to a Judge under the provisions of this Section.

Power to make rules.

646. The High Court shall have power to make general rules and orders for regulating the conduct of business and the procedure of a single Judge, Registrar or other Officer in respect of investigations under the last preceding Section: Provided that such rules and orders shall not be inconsistent with the provisions of this Code or of any other law.

Signature of Registrar or other appointed Officer to have same effect as that of Judge of High Court.

647. Whenever under any of the provisions of this Code the signature of a Judge of the High Court may be required, the signature of the Registrar or of any other Officer authorized in that behalf by the Chief Justice shall have the same effect as the signature of a Judge of the Court.

Language of the High Court.

648. The Chief Justice of the High Court shall from time to time declare what language shall be the language of the Court, in which all or any of the proceedings of the Court shall be conducted.

Provisions as to Assessors to apply to High Courts.

649. The provisions of this Code relating to Assessors shall without any order of Government extend to suits and appeals instituted or tried in the High Courts.

High Court or High Court Judge may rescind or modify interlocutory order.

650. Nothing contained in the eighth Section shall debar the High Court or any Judge of the High Court from rescinding or modifying any interlocutory order passed by it or him in the course of a suit.

Vakeels not to practise on the original side.

651. Nothing in this Code shall be held to authorize a Vakeel to appear, plead or act in the High Court in the exercise of its original Civil jurisdiction.

Sections 27,28,29, 30 and 34 not to apply to High Court.

652. The following Sections shall not apply to the High Court in the exercise of its ordinary original Civil Jurisdiction, namely, Sections 27, 28, 29, 30 and 34.

Non-judicial acts may be done by Registrar.

653. Any act not of a judicial nature which this Code requires to be done by a Judge, may be done by the Registrar of the Court or by such other Officer of the Court as the Court may direct to perform such act.

Summonses may be obtained from Registrar by Attorneys.

654. All summonses obtainable under this Act by the parties to a suit in the High Court, may be obtained from the proper Officer by the Attorneys of the parties respectively, and may be served by such Attorneys on the persons named therein, and all rules contained in this Code relating to the service of summonses shall apply to summonses obtained under this Section.

Code not to affect High Court in exercise of Admiralty, Testamentary, Intestate, Matrimonial or Insolvent jurisdiction.

655. Nothing in this Chapter shall extend or apply to any High Court in the exercise of its jurisdiction as a Court of Admiralty or Vice-Admiralty, or as a Court of Testamentary and Intestate or of Matrimonial jurisdiction, or as an Insolvent Court.

This Chapter to apply only to High Courts established under 24 and 25 Vic., Chap. 104.

656. This Chapter shall extend and apply only to High Courts which are or may hereafter be established under the Statute 24 and 25 Victoria, Chapter 104 (*An Act for establishing High Courts of Judicature in India*).

Save as aforesaid the provisions of the Code to apply to High Courts.

657. Except as provided in this Chapter, the provisions of this Code shall apply to the High Courts established as aforesaid.

CHAPTER XV.

Of Criminal Procedure for Offences committed in or against the Courts.

Procedure when certain offences under Chapter XI of Penal Code are committed in case pending before Court.

658. When in a case pending before any Court, any person shall appear to the Court to have been guilty of an offence described in Section 193, 194, 195, 196 199, 200, 205, 206, 207, 208, 209 or 210 of the Indian Penal Code, the Court may commit such person to take his trial for the offence before the Court of Session, or, after making such preliminary enquiry as may be necessary, may send the case for investigation to any Magistrate having jurisdiction to try or commit for trial the accused person for the offence charged, and such Magistrate shall thereupon proceed according to law. (S. C. C. & R. C.)

Court may take bail and bind over witnesses to give evidence.

659. The Court may send the person accused in custody or take sufficient bail for his appearance before the Magistrate, and may bind over any person to appear and give evidence before the Magistrate. (S. C. C. & R. C.)

Charge to be framed and sent to Magistrate.

660. When the commitment is made by the Court, the Court shall frame a charge in the manner provided in Chapter XIII of the Code of Criminal Procedure, and shall send the same with the order of commitment and the record of the case to the Magistrate, and such Magistrate shall bring the case together with the witnesses for the prosecution and defence before the Court of Session. (S. C. C. & R. C.)

Procedure in certain cases of contempt of lawful authority of public servants.

661. When any person shall appear to the Court to have been guilty in any suit or proceeding before such Court of any of the offences described in Sections 172, 173 and 174 of the Indian Penal Code, the Court may direct the

person accused to be brought before it, and may either proceed as provided in Section 671 of this Code, or may send him in custody to the Magistrate or take sufficient bail for his appearance before the Magistrate, and the Magistrate shall thereupon proceed according to law.

Procedure in case of certain offences relating to documents.

662. When in a case pending before any Court, there shall appear to the Court sufficient ground for sending for investigation to the Magistrate a charge of any such offence as is described in Section 463, 471, 475 or 476 of the Indian Penal Code, which may be preferred in respect to any document offered in evidence in the case, the Court may send the person accused in custody to the Magistrate or take sufficient bail for his appearance before the Magistrate. The Court shall send to the Magistrate the evidence and documents relevant to the charge, and shall bind over any person to appear and give evidence before such Magistrate. The Magistrate shall receive such charge and proceed with it according to law. (S. C. C. & R. C.).

Procedure in case of person accused under Section 658 or 662 being a European British subject.

663. If the person accused in any case falling under Section 658 or Section 662 of this Code, is a European British subject, the Court shall send such person in custody or take sufficient bail for his appearance before an Officer empowered to commit or hold to bail persons charged with offences for trial before a High Court of Judicature, and such Officer shall proceed according to law. (S. C. C. & R. C.)

When the Court may itself dispose of cases of contempt.

664. When any such offence as is described in Section 175, 178, 179, 180 or 228 of the Indian Penal Code, is committed in the view or presence of the Court, the Court may cause the offender, whether he be a European British subject or not, to be detained in custody, and may, at any time before the rising of the Court on the same day, take cognizance of the offence, and adjudge the offender to punishment by fine not exceeding two hundred Rupees, and by imprisonment in the Civil Jail for a period not exceeding one month if such fine be not sooner paid. In every such case the Court shall record the facts constituting the contempt, with any statement the offender may make, as well as the finding and sentence. (S. C. C. & R. C.)

When the Court shall send on the case to a Magistrate or Justice of the Peace.

665. If the Court shall consider that a person accused of any of the offences mentioned in the last preceding Section should be imprisoned, or that a fine exceeding two hundred Rupees should be imposed upon him, such Court, after recording the facts constituting the contempt and the statement of the accused person as hereinbefore provided, shall forward the case to a Magistrate, or, if the accused person be a European British subject, to a Justice of the Peace, and shall cause bail to be taken for the appearance of such accused person before such Magistrate or Justice of the Peace, or if sufficient bail be not tendered, shall cause the accused person to be forwarded under custody to such Magistrate or Justice of the Peace. (S. C. C. & R. C.)

Procedure of Magistrate or Justice in such cases.

666. If the case be forwarded to a Magistrate, such Magistrate shall proceed to try the accused person in the manner provided for trials before a Magistrate, and it shall be competent to such Magistrate to adjudge such offender to punishment as provided in the Section of the Indian Penal Code under which he is charged. If the case be forwarded to a Justice of the Peace, such Justice of the Peace shall enquire into the circumstances, and shall have the same powers of punishing the offender as are vested by the Statute 53 Geo. III, Cap. 155, Section 105, in a Justice of the Peace for the punishment of an assault, and may deal with the offender in the same manner as is provided in that behalf in the said Statute. If such Justice of the Peace shall consider the offence to require a more severe punishment than a Justice of the Peace is competent to award under the said Statute, he may commit the offender to a High Court of Judicature. (S. C. C. & R. C.)

Discharge of an offender on his submission.

667. When any person has been sentenced by the Court to punishment under Section 664 for refusing or omitting to do any thing which he was lawfully required to do, it shall be competent to the Court to discharge the offender or to remit the punishment on the submission of the offender to the order or requisition of the Court. (S. C. C. & R. C.)

CHAPTER XVI.

MISCELLANEOUS.

High Court to make general rules.

668. The High Court shall have power to make and issue general rules not inconsistent with the provisions of this Code or of any other law for regulating the practice and proceedings of that Court and the Courts subordinate thereto and from time to time to alter any such rules. Any rules framed under this Section shall be published in the Official Gazette of the place where the High Court is held. (S. C. C. & R. C.)

And frame forms.

669. The High Court shall also have power to frame forms for every proceeding in such Court and the subordinate Courts for which the High Court shall think it necessary that forms should be provided; for keeping all books, entries, and accounts to be kept by the Officers, and for the preparation and submission of any statements to be prepared and submitted by such Courts.

If highest Court of appeal consist of only one Judge, he has all the powers of two or more High Court Judges

670. When in any part of British India in which this Code shall have operation, the highest Civil Court of appeal consists of a single Judge, he shall have all the powers vested by this Code in two or more Judges of the High Court.

Language of subordinate Courts.

671. The language which, at the time this Code comes into operation, is the language of any subordinate Court, shall continue to be the language of such Court until the Local Government shall otherwise order; but it shall be lawful for the Local Government from time to time to declare what language shall be the language of every such Court in which all or any of the proceedings shall be conducted. (S. C. C. R. C.)

Ministerial Officers

672. The Local Government shall fix the establishments of Ministerial and other Officers requisite for the Courts other than the High Court within the limits of its jurisdiction, and, with the sanction of the Governor-General of India in Council, shall assign to such Officers such salaries as from time to time such Government may deem proper. (S. C. C. & R. C.)

High Courts to define duties of all Ministerial Officers.

673 The High Court shall define and prescribe the duties to be performed by the Ministerial and other Officers on its establishment as well as by the Ministerial and other Officers on the establishments of subordinate Courts. (S. C. C. & R. C.)

Persons exempt from arrest

674. No person shall be liable to arrest under this Code while attending, going to, or returning from the Court either in obedience to a summons or as a party to a suit, appeal or other proceeding.

Saving of jurisdiction and procedure of Village Moonsiffs and Village and District Panchâyat in Madras—

of Military Courts of Request—

or procedure of a

of single Officers appointed to try small suits in Madras and Bombay—

or of Military Panchâyats in Madras.

675. Nothing in this Code shall be held to alter or affect the jurisdiction or procedure in Civil cases of Village Moonsiffs or Village or District Panchâyats under the provisions of the Madras Code; or the jurisdiction or procedure of Military Courts of Request: or the jurisdiction or procedure of a single Officer duly authorized and appointed under the rules in force in the Presidencies of Madras and Bombay respectively, for the trial of small suits in Military Bazârs at Cantonments and Stations occupied by the Troops of those Presidencies respectively; or by Panchâyats in regard to suits against Military persons, according to the rules in force under the Presidency of Madras.

Saving of certain special or local laws.

676. Nothing in this Code shall be held to affect the jurisdiction exercised by certain Jaghirdars and other authorities invested with powers under the provisions of Regulation XIII, 1830 of the Bombay Code *(for vesting certain Jaghirdars, Surinjamidars, and Enamdars with the power of deciding suits within the boundaries of their respective estates)*, and Act XV of 1840 *(for extending Regulations XV, 1827, and XIII, 1830, of the Bombay Code to the Agents of Foreign Sovereigns)* or their procedure in the exercise of such jurisdiction; or to affect suits instituted under Regulation XI, 1816, of the Bengal Code *(for receiving, trying, and deciding claims to the right of inheritance or succession in certain Tributary estates in Zillah Cuttack)* or cases of the nature defined in Regulation XXIX, 1827 *(for bringing under the operation of the Regulations the Bombay Territories in the Dekkan and Khandesh)*, Regulation VII, 1830 *(for bringing under the operation of the Regulations the Territories comprised in the Southern Mahrâtta Country)*, Regulations I and XVI, 1831 of the Bombay Code *(for extending the jurisdiction of the Agent of Government in the Dekkan and Khandesh and of the Political Agent in the Southern Mahratta Country over suits in which certain privileged persons are concerned)*, Act XIX of 1835 *(relating to the jurisdiction and authority of the Assistant to the Agent for Sirdars in the Dekkan)*, and Act XIII of 1842 *(to enable the holders of revenue which has been alienated to them by the State to collect that revenue within the Presidency of Bombay)*, except that such suits and cases and the regular and special appeals to the Civil Courts allowed therein, shall be received, heard, and determined under the rules laid down in this Code, unless where those rules are inconsistent with any specific provisions contained in the Regulations and Acts mentioned in this Section.

To what extent this Code applies to them.

This Code not to apply to Presidency Small Cause Courts, till specially extended to them.

677. Save as hereinafter provided, this Code shall not extend to any suit or proceeding in any Court of Small Causes established under Act IX of 1850 *(for the more easy recovery of Small Debts and Demands in Calcutta, Madras and Bombay)*: but the Local Government within the limits of whose jurisdiction any such Court is held, may, by notification published in the Official Gazette, extend to such Court this Code or any part thereof which relates to Courts of Small Causes except as to appeals and reviews of judgment.

Parts of British India excepted from operation of this Code.

678. This Code shall not extend to any part of British India in which Act VIII of 1859, as amended by Act XXIII of 1861, shall not be in force at the date of the passing of this Code until it shall have been specially extended to such part by an order of the Governor-General of India in Council or of the Local Government, duly published in the Official Gazette.

This Code not to affect certain provisions of Act I of 1863.

679. This Code shall not be deemed to repeal or affect the following provisions and parts of Act I of 1863 *(to define the jurisdiction and to regulate the procedure*

of the Courts of Civil Judicature in British Burmah, and to provide for the extension of certain Acts to the said Territory); that is to say, it shall not be deemed to repeal or affect so much of Section 7 as relates to the second appeal, or Sections 8, 10, 11, and 12, or Section 14 so far as it relates to the time for appeals whether regular or otherwise, or Section 15, or Section 16 so far as it relates to the time for appeals, or Section 17, except that the grounds on which a special appeal may be allowed as therein referred to shall be such grounds as are specified in Section 594 or Section 595 of this Code, or Section 20 so far as it relates to the stamp paper on which applications may be written and the time for appealing, or Section 27.

Act XI of 1863 and Act V of 1863 (Beng.) to remain unrepealed.

680. Nothing in this Code shall be deemed to repeal or affect the operation of Act XI of 1863 (*to consolidate and amend the Law relating to the employment and remuneration of peons for the service and execution of Civil process*) or Act V of 1863 of the Council of the Lieutenant-Governor of Bengal (*to amend the Law relating to the employment and remuneration of peons for the service and execution of the process of the Civil and Revenue Courts*). (S. C. C. & R. C).

All references in previous Acts to Acts VIII of 1859, XXIII of 1861, or the "Code of Civil Procedure" to be read as applying to this Code.

681. When in any Act passed prior to the coming into operation of this Code, reference is made to Act VIII of 1859, Act XXIII of 1861, or the "Code of Civil Procedure," such references shall be read as applying to this Code, and when any procedure is directed to be in accordance with the provisions of Act VIII of 1859, Act XXIII of 1861, or the "Code of Civil Procedure," such procedure shall be deemed to be directed to be in accordance with the provisions of this Code. (S. C. C. & R. C.)

Procedure prescribed by this Code to be followed.

682. The procedure herein prescribed shall be followed from the date on which this Code shall come into operation, in all suits and appeals, regular, special or otherwise, and, as far as it can be made applicable, in all miscellaneous cases and proceedings instituted in any Court. But this Code shall not in any way invalidate or alter the effect of any thing which shall have been done in any suit, appeal, miscellaneous case, or proceeding prior to such date, and every thing which shall have been so done shall be deemed good and shall have effect so far as circumstances will permit, in like manner as if the same had been done in due course under this Code: Provided that no party to whom a right of appeal, whether regular, special or otherwise, shall have accrued under any law for the time being in force before this Code shall have come into operation, shall be deprived of such right by any thing contained in this Code, if he shall exercise such right by preferring his appeal to the proper Court in due form within the time allowed for preferring appeals by the law under which the right of appeal accrued. (S. C. C. & R. C.)

Proviso.

Power to invest Chief Executive Officer with powers of Local Government.

683. The Governor General of India in Council may invest the Chief Executive Officer of any part of British India under the immediate administration of the Government of India with the powers vested by this Code in a Local Government.

Commencement of Code.

684. This Code shall come into operation on the day of 186. (S. C. C. & R. C.)

SCHEDULE A.

ENACTMENTS REPEALED.

Number and date of Regulations.	Title.	Extent of repeal.
	BENGAL.	
Regulation III of 1793 - - -	For extending and defining the jurisdiction of the Courts of Dewanny Adawlut, or Courts of Judicature for the trial of Civil suits in the first instance, established in the several Zilas, and in the cities of Patna, Dacca, and Moorshedabad - - - - - - - - -	Section 14.
„ IV of 1793 - - -	For receiving, trying, and deciding suits or complaints declared cognizable in the Courts of Dewanny Adawlut established in the several Zilas, and in the cities of Patna, Dacca, and Moorshedabad - - - - -	Sections 14 and 20.
„ VI of 1793 - - -	For extending and defining the powers and duties of the Court of Sudder Dewanny Adawlut, and prescribing Rules for receiving and deciding upon Appeals from the decisions of the Provincial Courts of Appeal - -	Sections 13 and 14.
„ X of 1795 - - -	For empowering the Sudder Dewanny Adawlut to receive and decide upon Appeals from Decisions of the Provincial Court of Appeal established in the Province of Benares; and for defining the jurisdiction, powers, and authorities of the Sudder Dewanny Adawlut in that Province - - -	Sections 1 and 4.
„ II of 1798 - - -	For authorizing a Review of Causes decided by the Civil Courts in certain cases; and for explaining Parts of Regulations IV, V and VI, 1793 -	Sections 1 and 4.
„ II of 1801 - - -	For the more speedy and effectual administration of justice in the Courts of Sudder Dewanny and Nizamut Adawlut - - - - -	Sections 1, 2, 5 and 6, so far as they relate to the Sudder Dewanny Adawlut.
XII of 1811 - - -	For augmenting the number of Judges of the Courts of Sudder Dewanny Adawlut, according as may from time to time appear necessary for the despatch of the business of those Courts - - - - -	So far as it relates to the Sudder Dewanny Adawlut.

	BENGAL.—(*Continued*).	
Regulation XXV of 1814 - - -	For modifying the constitution and jurisdiction of the Sudder Dewanny Adawlut and of the Provincial Courts, for expediting the trial of Civil Causes in those Courts, and for defining more fully the powers of single Judges holding the sittings of those Courts, or of the Nizamut Adawlut and Courts of Circuit	Section 18, so far as it relates to the Sudder Dewanny Adawlut.
„ III of 1829 - - -	For abolishing certain Official Designations amongst the Judges of the Courts of Sudder Dewanny and Nizamut Adawlut, and of the Provincial Courts; for amending the Rules at present in force, which require the Judges of the Courts of Sudder Dewanny and Nizamut Adawlut, or other public Officers, to take the prescribed Oaths of Office before the Governor General in Council; for providing for the Decision of Civil Suits and Appeals in the Provincial Courts in certain Cases; for amending Regulation VIII of 1825, and for discontinuing the Offices of Hindu and Mahomedan law Officer in the Provincial Courts - - - - - - - - -	Sections 1, 2 and 3.
„ VI of 1831 - - -	For the appointment of one or more Judges to be ordinarily stationed at Allahabad for the purpose of exercising the powers and authority of the Sudder Dewanny and Nizamut Adawlut within the Province of Benares, the ceded and conquered Provinces, including the Districts of Meerut, Shaharunpoor, Mozuffurnuggur, and Boolundshuhur, which are now subject to the Chief Commissioner at Delhi, and the powers and authority of the Nizamut Adawlut in the Province of Kumaon and the Saugor and Nerbudda Territories - - - - - -	Section 7, so far as it relates to the Court of Sudder Dewanny Adawlut.
„ IX of 1831 - - -	For the more speedy and efficient administration of justice in the Courts of Sudder Dewanny and Nizamut Adawlut - - - -	Section 9, so far as it relates to the Court of Sudder Dewanny Adawlut.
„ VI of 1832 - - -	For enabling European functionaries to avail themselves of the assistance of respectable Natives in the administration of Civil or Criminal Justice, and for modifying or dispensing with Futwas by Mahomedan Law Officers in certain trials - - - - - -	So far as it relates to Courts for the administration of Civil Justice.
	MADRAS.	
„ V of 1802 - - -	For constituting a Sudder Adawlut, or Chief Court of Civil Judicature, for trying Appeals from the decisions of the Provincial Courts of Appeal - -	Sections 11, 12, 14, 17, 22 and 28.

Number and date of Regulations.	Title.	Extent of repeal.
	MADRAS.—(*Continued.*)	
Regulation IV of 1806 - - -	For the more speedy and effectual administration of Justice in the Courts of Sudder Adawlut and Foujdarry Adawlut - - - -	So far as it relates to the Sudder Adawlut.
„ III of 1807 - - -	For modifying the constitution of the Courts of Sudder Adawlut and Foujdarry Adawlut, so far as relates to the appointment of the Judges of those Courts	The whole.
„ XV of 1816 - - -	For modifying the jurisdiction of the Zilla and Provincial Courts, and the Court of Sudder Adawlut, in the trial of original suits and appeals; for amending some of the Rules at present in force regarding the admission and trial of special and summary Appeals from decisions passed in regular suits; and for limiting and altering some of the existing provisions respecting the Pleadings and Processes, and the mode of executing Decrees in regular suits and Appeals - - - - - - -	Section 8, Clause 2.
„ III of 1825 - - -	To prohibit Judges from sitting on the trial of Appeals in causes tried before themselves; and to empower the Governor in Council to increase, at his discretion, the number of Judges of the Provincial Courts of Appeal and Circuit, and of the Sudder and Foujdarry Adawlut - - -	The whole.

Number and date of Acts.	Title.	Extent of repeal.
Act XI of 1836 - - - -		Section 2.
„ VII of 1840 - - - -	For authorizing the appointment of Uncovenanted Servants to the Offices of Deputy Register and Assistant Register to the Sudder Courts of the Presidency of Fort William in Bengal.	So far as it relates to the Court of Sudder Dewanny Adawlut.

Number and date of Acts.	Title.	Extent of repeal.
Act XXIII of 1840 - - -	For executing within the local limits of the jurisdiction of Her Majesty's Courts legal process issued by authorities in the Mofussil - -	So far as it relates to the execution of the process of Civil Courts.
„ XII of 1849 - - -	For improving the jurisdiction of the Sudder Adawlut of Bombay, and for amending Section 36 Regulation II, 1827 of the Bombay Code - -	The whole.
„ II of 1851 - - -	To amend Regulation XIII, 1810 of the Bengal Code, for the trial of Appeals -	The whole.
„ VII of 1855 - - -	To amend the law of arrest on mesne process in Civil actions in Her Majesty's Courts of Judicature and to provide for the subsistence of prisoners confined under Civil process of any of the said Courts - - -	The whole.
„ VIII of 1859 - - -	For simplifying the procedure of the Courts of Civil Judicature not established by Royal Charter - - - - - -	The whole.
„ XXIII of 1861 - - -	To amend Act VIII of 1859 *(for simplifying the procedure of the Courts of Civil Judicature not established by Royal Charter)* - - -	The whole.
„ X of 1862 - - -	To consolidate and amend the Law relating to Stamp Duties - - -	Sections 17 and 26.
„ IX of 1863 - - -	To amend the Code of Civil Procedure - - - - -	The whole.
„ XVIII of „ - - -	To make provision for the speedy and efficient disposal of the business now pending in the Office of the Master of the High Court of Judicature at Fort William in Bengal, and to provide for the abolition of the oaths now administered to Hindoos and Mahomedans in the said Court, and to amend the Code of Civil Procedure in respect of process issued out of the said Court in the exercise of its original Civil jurisdiction - - -	Sections 5, 7, 8, 10, and 11.

SCHEDULE B.

COURT of the of holden at

REGISTER OF CIVIL SUITS in the year 18 .

Date of presentation of plaint.	No of Suit	Plaintiff			Defendant			Claim.			Appearance.			Judgment			Appeal.		Execution.					Return of Execution.		
		Name	Description.	Place of abode	Name.	Description.	Place of abode.	Particulars	Amount or value	When the Cause of Action accrued.	Day for Parties to appear	Plaintiff	Defendant	Date.	For whom	For what, or amount.	Date of Appeal.	Judgment in Appeal.	Date of Application	Date of Order	Against whom	For what, and amount if money	Amount of Costs.	Amount paid into Court.	Arrested.	Minute of other Return than payment or Arrest, and Date of every Return.

SCHEDULE C.

No. of Suit.

In the Court of at

Plaintiff.

To Defendant

(*Name, description, and address.*)

Whereas [*here enter the name, description, and address of the plaintiff*] has instituted a suit in this Court against you [*here state the particulars of the claim as in the Register*]: you are hereby summoned to appear in this Court in person on the day of at in the forenoon [*if not specially required to appear in person, state—" in person or by an Advocate of the Court duly instructed and able to answer all material questions relating to the suit, or who shall be accompanied by some other person able to answer all such questions"*] to answer the above-named plaintiff. [*If the summons be for the final disposal of the suit, this further direction shall be added here; " and as the day fixed for your appearance is appointed for the final disposal of the suit, you must be prepared to produce all your witnesses on that day"*]: and you are hereby required to take notice that, in default of your appearance on the day before mentioned, the suit will be heard and determined in your absence; and you will bring with you (or send by your agent) [*here mention any document the production of which may be required by the plaintiff*] which the plaintiff desires to inspect, and any document on which you intend to rely in support of your defence.

SCHEDULE D.

No. of Suit.

In the Court of at

Plaintiff.

Defendant.

To (*Name, description, and address.*)

You are hereby summoned to appear in this Court in person on the day of at in the forenoon, to give evidence on behalf of the plaintiff (*or* the defendant) in the above-mentioned suit, and to produce (*here describe with convenient certainty any document the production of which may be required. If the Summons be only to give evidence, or if it be only to produce a document, it must be expressed accordingly*): and you are not to depart thence without the leave of the Court.

SCHEDULE E.

COURT (*or* HIGH COURT) at

REGISTER OF APPEALS FROM DECREES in the year 18

Date of Memorandum.	No. of Appeal.	Appellant.			Respondent.			Decree Appealed From.				Appearance.			Judgment.		
		Name.	Description.	Place of abode.	Name.	Description.	Place of abode.	Of what Court.	No. of Original Suit.	Particulars.	Amount or Value.	Day for parties to appear.	Appellant.	Respondent.	Date.	Confirmed, reversed, or altered.	For what, or Amount.

SCHEDULE F.

HIGH COURT at

REGISTER OF SPECIAL APPEALS.

Date of Memorandum.	No. of Appeal.	Appellant.			Respondent.			Decree Appealed from.				Appearance.			Judgment.		
		Name.	Description.	Place of abode.	Name.	Description.	Place of abode.	Of what Court.	No. of Original Suit, and of Appeal.	Particulars.	Amount or Value.	Day for parties to appear.	Appellant.	Respondent.	Date.	Confirmed, reversed, or altered.	For what, or Amount.

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APPENDIX TO

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, APRIL 29, 1865.

Home Department.

LEGISLATIVE.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 12th April 1865, and is hereby promulgated for general information :—

ACT No. XVII OF 1865.

An Act to amend certain Acts relating to the duties of Customs on goods imported and exported by Sea.

Preamble.

Whereas it is expedient to amend the Law relating to Customs duties; It is enacted as follows :—

Customs Duties to be levied as prescribed in the Schedules annexed to this Act.

1. In lieu of the Customs duties authorized to be charged in Act VII of 1859 (*to alter the duties of Customs on goods imported or exported by Sea*), Act XXIII of 1859 (*to alter the rates of duty on goods imported or exported by land from certain Foreign Territories into or from the Presidencies of Madras and Bombay respectively*), Act X of 1860 (*to amend Act VII of 1859 to alter the duties of Customs on goods imported or exported by Sea*), Act XI of 1862 (*to amend Act X of* 1860, *to amend Act VII of* 1859), Act XXIII of 1862 (*to amend Act XI of* 1862), and Act XXIII of 1864 (*to amend the law relating to the Customs duties on goods imported by Sea*), there shall be levied and collected the duties specified in the two Schedules A and B annexed to this Act. Provided always that nothing herein contained shall be deemed to alter the existing duties upon Salt and Opium, or to authorize the levy of duties in any free Port, or to affect the provisions of Act VI of 1848 (*for equalizing the duties on goods imported and exported on Foreign and British bottoms and for abolishing duties on goods carried from Port to Port in the Territories subject to the Government of the East India Company*), or to affect the provisions of The Consolidated Customs' Act.

Operation of Act.

2. So far as regards the Customs duty on the export of Saltpetre, this Act shall take effect as if it had been passed and had received the assent of the Governor General on the ninth day of March 1865; but save as aforesaid, this Act shall take effect from the first day of April 1865.

Short title.

3. This Act shall be cited as "The Indian Customs Duties' Act of 1865."

SCHEDULE A.

Rates of Duty to be charged on the following goods imported by Sea into any Port in British India, not being a Free Port.

1.	Bullion and Coin	Free
2.	Precious Stones and Pearls	"
3.	Grain and Pulse	"
4.	Horses and other living Animals	"
5.	Ice	"
6.	Coal, Coke, Bricks, Chalk, and Stones	"
7.	Cotton Wool	"
8.	Wool	"
9.	Flax	"
10.	Hemp	"
11.	Jute	"
12.	Hides and Skins, raw	"
13.	Books	"
14.	Paper	"

15.	Maps, Prints, Music and Works of Art	Free.
16.	Seeds when imported by any Public Society for gratuitous distribution	"
17.	Agricultural Implements	"
18.	Firewood	"
19.	Machinery used exclusively for purposes of Agriculture, Navigation, Mining or Manufacture, or for Railway purposes, and materials forming necessary component parts of such machinery	"
	And the Officer in charge of the Custom House, subject to the orders of the Local Government acting under the general instructions of the Government of India, shall decide what articles come within the definition of such machinery or materials forming component parts thereof, and such decision shall be final in law.	
20.	Military and other Regulation Uniforms and Accoutrements when imported for private use by persons in the Public Service	
21.	Guano and manures of all kinds	
22.	Bottles	
23.	Wines and Liqueurs	one Rupee the imperial gallon.
24.	Porter, Ale, Beer, Cider, and other similar fermented Liquors ...	one anna the imperial gallon.
25.	Spirits	three Rupees the imperial gallon, and the duty to be rateably increased as the strength exceeds London Proof.

Provided that 10 per cent. *ad valorem* shall be charged on all spirits used exclusively in Arts and Manufactures, or in Chemistry, subject to such rules as the Local Governments shall from time to time prescribe, for ascertaining that such spirits are unfit for use as a beverage, and incapable of being converted to that purpose. And the Officer in charge of the Custom House, subject to the general instructions of the Local Government, shall decide what spirits fall within the proviso, and his decision thereon shall be final in law.

26.	Iron (which shall not be taken to include ironmongery cutlery or hard-ware) ...	one per cent. *ad valorem.*
27.	Hops	one per cent. *ad valorem.*
28.	Tobacco, whether manufactured or not manufactured...	ten per cent. *ad valorem.*
29.	Piece Goods	five per cent. *ad valorem.*
30.	Twist	three and a half per cent. *ad valorem.*
31.	All other articles not included in the above enumeration	seven and a half per cent. *ad valorem.*

SCHEDULE B.

Rates of Duty to be charged upon goods exported by Sea to any Foreign Port as defined in The Consolidated Customs' Act from any Port in British India.

1.	Bullion and Coin		Free
2.	Precious Stones and Pearls		"
3.	Horses and other living Animals		"
4.	Rum		"
5.	Spirits		"
6.	Tobacco and all preparations thereof		"
7.	Cotton Wool		"
8.	Flax		"
9.	Hemp		"
10.	Books		"
11.	Maps, Prints, and Works of Art		"
12.	Teak Timber		"
13.	Coal		"
14.	Iron		"
15.	Grain and pulse of all sorts ...	three annas the Indian maund.	of forty seers of eighty tolahs to the seer.
16.	Saltpetre	one Rupee the Indian maund.	
17.	Indigo	three Rupees the Indian maund.	
18.	Lac Dye and Shell Lac ...	four per cent. *ad valorem.*	
19.	Hides and Skins, raw	two per cent. *ad valorem.*	
20.	Sugar	two per cent. *ad valorem.*	
21.	Raw Silk and Silk Chussum ...	two per cent. *ad valorem.*	
22.	All country articles not enumerated or named above	three per cent. *ad valorem.*	

WHITLEY STOKES,

Offg. Asst. Secy. to the Govt. of India,

Home Dept. (Legislative.)

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor General on the 10th April 1865, and is hereby promulgated for general information :—

Act No. XVIII of 1865.

An Act to amend Act No. X of 1862 (to consolidate and amend the Law relating to Stamp Duties).

Preamble.

Whereas it is expedient to amend Act No. X of 1862 (*to consolidate and amend the Law relating to Stamp Duties*) ; It is enacted as follows :—

Act X of 1862, Section 33, repealed.

1. The thirty-third Section of the said Act No. X of 1862 is hereby repealed, and the following Section shall be read in lieu thereof :—

Governor General in Council may lower rates of Stamp Duty on any Deeds, &c., mentioned in the Schedule, or on any class of such Deeds, &c.

2. The Governor-General of India in Council may, from time to time, by an order to be published in the Official Gazette, reduce or remit in the whole or any part of the Territories to which the said Act X of 1862 applies, the Stamp Duties prescribed by the said Act and chargeable on or on any of the Deeds, Instruments, and Writings mentioned in the Schedules thereto, or on any particular class of such Deeds, Instruments, and Writings, or on any of the Deeds, Instruments, and Writings, belonging to such class; or on any of the Deeds, Instruments, and Writings, as aforesaid, when executed or granted by or to any particular class of persons or by or to any members of such class, and may in like manner cancel or vary such order to the extent of the powers hereby given. Such cancelment or variation shall also be published in the Official Gazette.

Addition to Act X of 1862, Schedule B, Article 11.

3. Article eleven of Schedule B to the said Act X of 1862, shall be read as if after the words and figures "Act III of 1859," the following words were inserted, that is to say, "or in Courts of Small Causes established under Section six of Act XXII of 1864 (*to make provision for the administration of Military Cantonments*).

This Act to be taken as part of Act X of 1862.

4. This Act shall be read with and taken as part of the said Act No. X of 1862.

WHITLEY STOKES,
Offg. Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 10th April 1865, and is hereby promulgated for general information :—

ACT No. XIX OF 1865.

An Act to define the jurisdiction of the Courts of Judicature of the Punjab and its Dependencies.

Preamble.

Whereas it is expedient to define the jurisdiction of the Courts of Judicature in the Punjab and its Dependencies; It is enacted as follows :—

Short title.

1. This Act shall be called "The Punjab Courts' Act, 1865."

"Assistant Commissioner."

2. In this Act "Assistant Commissioner" includes "Extra Assistant Commissioner."

"Land."

"Land" does not apply to any land excluded from a settlement of Land Revenue, whether the Revenue be paid to Government or to the assignee of Government.

"District." "District Court." "Division." "Divisional Court."

3. For the purposes of this Act the local jurisdiction of a Deputy Commissioner shall be deemed a District, and the Court of such Deputy Commissioner shall be deemed the District Court. The local jurisdiction of a Commissioner shall, in like manner, be deemed a Division, and his Court a Divisional Court.

Grades of Courts in the Punjab.

4. There shall be seven grades of Courts in the Punjab, which shall be in addition to any Courts of Small Causes, and to any other Courts established under any Act which may hereafter be passed unless otherwise provided in such Act, namely :—

(1.)—The Court of the Tahsildar.

(2.)—The Court of the Assistant Commissioner with ordinary powers.

(3.)—The Court of the Assistant Commissioner with special powers.

(4.)—The Court of the Assistant Commissioner with full powers.

(5.)—The Court of the Deputy Commissioner.

(6.)—The Court of the Commissioner.

(7.)—The Court of the Judicial Commissioner.

Jurisdiction of Tahsildar.

5. The Local Government may invest any Tahsildar with power to try and determine suits of every description not exceeding three hundred Rupees in value or amount.

Local Government may in special cases give Naib Tahsildars powers of Tahsildar.

6. The Local Government shall also have power, from time to time, specially to invest any Naib Tahsildar with the powers of a Tahsildar as aforesaid within such limits as it may think proper, and to withdraw such powers.

Jurisdiction of Assistant Commissioner with ordinary powers.

7. The Assistant Commissioner with ordinary powers shall have power to try and determine suits of every description not exceeding one hundred Rupees in value or amount.

Jurisdiction of Assistant Commissioner with special powers.

8. The Assistant Commissioner with special powers shall have power to try and determine suits of every description not exceeding five hundred Rupees in value or amount.

Criminal powers to be exercised by Courts of the 1st, 2nd, and 3rd grades.

9. The Criminal powers to be exercised by the Courts of the said first, second, and third grades respectively, shall be those with which the several Officers presiding in those Courts shall from time to time be invested by the Local Government under Section twenty-three of the Code of Criminal Procedure.

Jurisdiction of Assistant Commissioner with full powers.

10. The Assistant Commissioner with full powers shall, on the Civil side, have power to try and determine suits of every description under ten thousand Rupees in value or amount, and on the Criminal side to exercise the powers of a Magistrate as defined in the Code of Criminal Procedure.

Jurisdiction of Deputy Commissioner.

11. The Deputy Commissioner shall, on the Civil side, have power to try and determine suits of every description without limitation in value or amount, and to hear appeals, where an appeal is allowed by the Code of Civil Procedure in force in the Punjab, from decisions and orders of the first three grades of Courts mentioned in the fourth Section of this Act, and on the Criminal side to exercise the powers of a Magistrate as defined in the Code of Criminal Procedure, and to hear appeals according to the provisions of the same Code relating to the hearing of appeals by Magistrates from the sentences and orders of Courts subordinate to the Magistrate of the District. The Deputy Commissioner may also be invested by the Local Government with the powers described in Act No. XV of 1862 (*to amend the Code of Criminal Procedure*).

Jurisdiction of Commissioner.

12. The Commissioner shall, on the Civil side, have power to try and determine suits of every description without limitation in value or amount, and to hear and determine appeals, where an appeal is allowed by the Code of Civil Procedure in force in the Punjab, from decisions and orders of the Courts of the said fourth and fifth grades, and, on the Criminal side, to exercise the powers of a Sessions Judge as defined in the Code of Criminal Procedure, and to hear appeals from the subordinate Courts according to the provisions of the same Code relating to the hearing of appeals by the Sessions Court.

Court in which suit shall be instituted.

13. Every suit shall be instituted in the Court of the lowest grade competent to try it: Provided that no suit cognizable by a Court of Small Causes shall be heard or determined in any other Court having any jurisdiction within the local limits of the jurisdiction of such Court of Small Causes.

Distribution of business in Courts subordinate to Deputy Commissioner.

14. The Deputy Commissioner may direct the business in the Courts subordinate to him, holding their sittings at the same place, to be distributed among such Courts in such way as he shall think fit: Provided that no Court shall try any suit the value or amount of which shall exceed its proper jurisdiction.

Power of Commissioner or Deputy Commissioner to withdraw suits from subordinate Courts.

15. The Commissioner or Deputy Commissioner may withdraw any suit instituted in any Court subordinate to him and try such suit himself, or refer it for trial to any other Court subordinate to him and competent in respect of the value or amount of the suit to try the same. The Commissioner may also withdraw any appeal from the Court of any Deputy Commissioner subordinate to him and try the appeal himself or refer it for trial to the Court of any other Deputy Commissioner in his Division.

Power of Judicial Commissioner to transfer suits.

16. The Judicial Commissioner may withdraw any suit or appeal from any Court subordinate to him other than Courts of Small Causes or Courts of Cantonment Magistrates, and refer such suit or appeal for trial to any other Court subordinate to him and competent in respect of the value or amount of the suit to try the same.

Suits for immovable property situate within different jurisdictions of single District.

17. If the suit be for immovable property situate within the limits of a single District, but within the jurisdiction of different Courts, the suit may be brought in the Court within whose jurisdiction any portion of the property is situate, provided that, in respect of the value of the property in suit, the entire claim be cognizable by such Court. In such case the Court in which the suit is brought shall apply to the District Court for authority to proceed with the same, and the District Court, after hearing the objections, if any, of the defendant, may grant such authority.

Suits for immovable property situate in different Districts.

18. If the suit be for immovable property situate within the limits of different Districts within the same Division, the suit may be brought in any Court otherwise competent to try it, within the jurisdiction of which any portion of such property is situate; but in such case the Court in which the suit is brought shall apply to the Commissioner of the Division for authority to proceed with the same; and such Commissioner, after hearing the objections, if any, of the defendant, may grant authority accordingly. If the suit is brought in any Court subordinate to the Court of the Deputy Commissioner, the application shall be submitted to the Commissioner of the Division through the Deputy Commissioner to whom such Court is subordinate.

Suits for immovable property situate in Districts subject to different Commissioners.

19. If the Districts within the limits of which the immovable property is situate are subordinate to different Commissioners, the application mentioned in the last preceding Section shall be sub-

mitted to the Commissioner in whose Division the District in which the suit is brought is situate, and such Commissioner, after hearing the objections, if any, of the defendant, may give authority to proceed with the suit.

Local Government may invest additional Officers with powers of Commissioner, and Small Cause Court Judges with powers of Assistant Commissioner.

20. Whenever the number of cases depending in any District or Divisional Court shall be so great as to prevent their being disposed of within a reasonable period, the local Government may, with the previous sanction of the Governor General of India in Council, invest any Officer with the Civil and Criminal powers of a Deputy Commissioner or Commissioner, as defined in this Act, in such District or Division as the case may be.

Local Government may invest special Officers with Civil powers of Commissioners, &c., in Districts in course of settlement.

21. In any District in which a Settlement of land revenue is in progress, the local Government may, on its own authority, empower and direct the Tahsildars, Assistant Commissioners, Deputy Commissioner, and Commissioner in such District, to exercise their respective powers as defined in this Act in suits regarding land of the rent, revenue or produce of land, on the Revenue, and not on the Civil side of their Courts. The local Government may also, with the previous sanction of the Governor General of India in Council, invest any special Officer in such District with the Civil powers of a Commissioner, Deputy Commissioner, Assistant Commissioner or Tahsildar, as defined in this Act, for the purpose of deciding suits in respect to land or the rent, revenue or produce of land, such powers to be exercised on the Revenue side: Provided that in all such suits as aforesaid no deviation be allowed from the Rules of Civil Procedure in force, and that the powers given under this Section shall continue only so long as Settlement operations are in progress in the District, and shall cease on the termination thereof.

Local Government may invest Financial Commissioner with powers of Chief Court for certain purposes.

22. In any District in which a Settlement of Land Revenue is in progress, the local Government may invest the Financial Commissioner with the powers of the Judicial Commissioner for the purpose of trying special appeals from Commissioners and Deputy Commissioners in all decisions passed by them in regular appeal under the twenty-first Section of this Act, and with the power of a Court of final appeal in any class of suits regarding land, or the rent, revenue, or produce of land: Provided that in the trial of such appeals no deviation shall be allowed from the Rules of Civil Procedure in force, and that the power given under this Section shall continue only so long as Settlement operations shall be in progress, and shall cease on the termination thereof. So long as the Financial Commissioner may be invested with powers as aforesaid the jurisdiction of the Judicial Commissioner in respect to the appeals hereby made cognizable by the Financial Commissioner shall be suspended.

Proviso.

Exclusion of jurisdiction under Sections 21 and 22, of Revenue Courts and Financial Commissioner.

23. Whenever in a case of succession or inheritance the claim shall relate not only to land but to land and other property not permanently attached to the land comprised in the claim, neither the Revenue Courts nor Financial Commissioner shall have jurisdiction under the twenty-first or the twenty-second Section of his Act.

Saving of decisions and orders passed before passing of this Act.

24. No decision or order passed by any Officer in the Punjab and its Dependencies prior to the passing of this Act shall be invalid solely on the ground of a doubt existing as to the authority of the Officer who passed the decision or order.

Commencement of Act.

25. This Act shall commence and come into operation on the first day of May 1865.

WHITLEY STOKES,
Offg. Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 10th April 1865, and is hereby promulgated for general information:—

ACT NO. XX OF 1865.

An Act to amend the law relating to Pleaders and Mookhtars.

Preamble.

Whereas it is expedient to amend the law relating to Pleaders and Mookhtars, and to provide rules for the qualification, admission, enrolment, suspension, and dismissal of Revenue Agents; It it enacted as follows:—

Preliminary.

Short title.

1. This Act may be cited as "The Pleaders, Mookhtars, and Revenue Agents' Act, 1865."

Interpretation of terms.

2. In this Act, unless there be something repugnant or inconsistent in the subject or context—

Number.

Words importing the singular number include the plural, and words importing the plural number include the singular.

"Section."

"Section" means a Section of this Act.

"Person."

"Person" includes any Company or Association or body of persons, whether incorporated or not.

"Pleader."

"Pleader" includes Vakeels.

"Collector."

"Collector" includes Officers performing any of the duties of a Collector of land revenue.

"Magistrate."

"Magistrate" includes Officers exercising any of the powers of a Magistrate.

"Judge."

"Judge" means the presiding judicial Officer in every Civil and Sessions Court by whatever title he is designated.

"Court."

"Court" means all Courts subordinate to the High Court, including Courts of Small Causes.

"District." "District Court."

"District" means the local jurisdiction of the principal Civil Court of original jurisdiction; and "District Court" means such Court, and includes Sessions Courts, and, for the purposes of this Act, the Courts of a Commissioner and Deputy Commissioner, or any other Court in the Territories known as Non-Regulation, exercising like powers as those of a Commissioner and Deputy Commissioner or of a Civil and Sessions Judge.

"Local Government."

And in any part of British India in which this Act operates, "Local Government" denotes the person authorized to administer the executive Government in such part: "High Court" denotes the highest Civil Court of Appeal, and "Board of Revenue" denotes the chief Revenue Authority therein.

"High Court." "Board of Revenue."

3. So far as they affect the Territories to which this Act extends, the enactments set forth in the first Schedule hereto are repealed, except so far as they repeal any other enactment, and except as to the recovery and application of any penalty for any offence which shall have been committed before the commencement of this Act.

Laws repealed.

Of Pleaders and Mookhtars.

4. The High Court is hereby authorized and required, within six months after this Act shall take effect in the Territories in which such Court exercises jurisdiction, to make rules for the qualification, admission, and enrolment of proper persons to be Pleaders and Mookhtars of the Courts in such Territories, for the fees to be paid for the examination, admission, and enrolment of such persons, and, subject to the provisions hereinafter contained, for the suspension and dismissal of the Pleaders and Mookhtars so admitted and enrolled. The High Court may also from time to time, vary and add to such rules.

High Court to make rules for qualification, &c., of Pleaders and Mookhtars.

5. Except as hereinafter provided, no person shall appear, plead or act as a Pleader, or appear or act as a Mookhtar in any Court to which this Act extends, unless he shall have been admitted and enrolled and shall be otherwise duly qualified to practise as a Pleader or as a Mookhtar, as the case may be, pursuant to the provisions of this Act, and unless he shall continue to be so qualified and enolled at the time of his practising as a Pleader or Mookhtar as aforesaid: Provided that every person who at the time at which this Act shall come into operation in any part of British India shall be, or shall be qualified to act, as a Pleader in any Court in such part, by virtue of any law, rule or order in force therein, shall be entitled to be admitted and enrolled as a Pleader in the High Court pursuant to the provisions of this Act, without passing any examination, but subject to the conditions of any certificate or diploma held by him as to the class of Courts in which such certificate or diploma authorizes him to practise.

No person to practise as a Pleader or as a Mookhtar unless qualified under this Act.

Saving of Pleaders already qualified.

6. To facilitate the ascertainment of the qualifications mentioned in the fourth Section, the Local Government shall from time to time appoint persons to be Examiners for the purposes aforesaid, and make regulations for conducting such examinations.

Local Government to appoint Examiners.

7. The High Court shall cause the name of every person who shall be admitted a Pleader or a Mookhtar pursuant to the provisions of this Act, to be enrolled in books to be provided and kept for that purpose in such Court. The Courts shall take judicial notice whether a Pleader or Mookhtar is enrolled or not.

Names of Pleaders and Mookhtars to be enrolled.

8. The High Court shall cause certificates, signed by such Officer as the Court shall appoint, to be issued to persons who have been admitted and enrolled under the provisions of this Act as Pleaders or Mookhtars and are entitled to practise as such. Any such certificate, when renewed as provided in the ninth Section, may be issued and signed by the Officer so appointed or by the Judge of the District Court within the limits of whose jurisdiction the holder of the certificate shall then ordinarily practise. Every Judge so renewing a certificate shall notify such renewal to the High Court.

Certificates to be issued to Pleaders and Mookhtars.

9. Every certificate, whether original or renewed, shall be engrossed upon stamp paper to be supplied by the person entitled to the certificate, and shall be in the form contained in the second Schedule to this Act, and shall authorize the holder to practise for the period of one year from the date of the certificate. At the expiration of such time, the holder of the certificate, if desirous to continue to practise, shall be entitled to have his certificate renewed, and on every such renewal the certificate then in the holder's possession shall be cancelled and retained by the Officer or Judge signing the renewed certificate.

Form and duration of certificate.

10. The stamp on the certificate, whether original or renewed, shall be of the following value:—

Value of stamp on certificate.

On a certificate authorizing the holder to practise as a Pleader—

(*a.*) In the High Court and any subordinate Court—Rupees fifty:

(*b.*) In the District Courts, subordinate Courts, and Small Cause Courts—Rupees twenty-five:

(*c.*) In the Sudder Ameens' and Moonsiffs' Courts and in the Courts of Assistant Commissioners, Extra Assistant Commissioners, and Tahsildars—Rupees fifteen:

(*d.*) In the Moonsiffs' Courts or any Court of first instance not hereinbefore mentioned—Rupees five.

On a certificate authorizing the holder to practise as a Mookhtar—

(*e.*) In the High Court and any subordinate Court—Rupees twenty-five:

(*f.*) In the District Courts, subordinate Courts, and Small Cause Courts—Rupees sixteen:

(*g.*) In the Courts of the Commissioners of Circuit, Magistrates and Subordinate Magistrates: in Sudder Ameens' and Moonsiffs' Courts and in the Courts of Assistant Commissioners, Extra Assistant Commissioners, and Tahsildars—Rupees eight:

(*h.*) In the Moonsiffs' Courts or any Court of first instance not hereinbefore mentioned—Rupees four.

Pleaders may practise in Criminal Courts and Revenue Offices.

11. Pleaders duly admitted and enrolled under this Act may appear, plead and act in any Criminal Court, or before any Board of Revenue or in any Revenue Office within the limits of the general jurisdiction of the High Court in which they are enrolled. Mookhtars duly admitted and enrolled as aforesaid may, subject to the conditions of their certificates as to the class of Courts in which they are authorized to practise, appear and act in any Civil Court, and may appear, plead and act in any Criminal Court within the same limits.

Mookhtars may plead in Criminal Courts.

Persons admitted in one Court admissible to practise in other Courts of same or subordinate jurisdiction.

12. Every person who shall have been admitted to practise as a Pleader or Mookhtar under the provisions hereinbefore contained may, subject to the conditions of his certificate as to the class of Courts in which he is authorized to practise, apply to be enrolled in the Court in which he shall desire ordinarily to practise; and on such application he shall be enrolled in a book to be kept for that purpose in such Court. Provided that neither this Section nor the last preceding Section shall apply to any Court established by Royal Charter.

Uncertificated persons practising as Pleaders or Mookhtars to be liable to fine or imprisonment and to be incapable of recovering fees.

13. Except as hereinafter provided, any person who shall practise as a Pleader or Mookhtar in any Civil or Criminal Court or Revenue Office to which this Act extends, without having previously obtained a properly stamped certificate authorizing him so to practise, which certificate shall be then in force, shall be liable by order of such Court or the Officer at the head of such Office to a fine not exceeding ten times the amount of the stamp required by this Act to be impressed on the certificate which he should then have held, and, in default of payment, to imprisonment in the Civil Jail for a period not exceeding six calendar months. He shall also be incapable of maintaining any suit for any fee or reward for or in respect of anything done or any disbursement made by him as such Pleader or Mookhtar whilst he shall have been without such certificate.

High Court may suspend or dismiss Pleader or Mookhtar convicted of a criminal offence.

14. The High Court may suspend or dismiss any Pleader or Mookhtar enrolled under this Act in such Court, who shall be convicted of any criminal offence.

High Court may suspend or dismiss any Pleader or Mookhtar practising therein and guilty of unprofessional conduct.

15. The High Court may also, after such enquiry as it may deem proper, suspend or dismiss any Pleader or Mookhtar enrolled as aforesaid who shall be guilty of fraudulent or grossly improper conduct in the discharge of his professional duty, or for any other reasonable cause.

Procedure when charge of unprofessional conduct is brought in a subordinate Court.

16. If any Pleader or Mookhtar practising in any Court subordinate to the High Court, shall be charged in such subordinate Court with any such conduct as aforesaid, the Judge or Magistrate of the Court, as the case may be, shall send him a copy of the charge and also a notice that, on a day to be therein appointed, such charge will be taken into consideration. Such copy and notice shall be served upon the Pleader or Mookhtar at least ten days before the day so appointed; and on such day, or on any subsequent day to which the enquiry may be adjourned, the Court shall receive all evidence properly tendered by or on behalf of the party bringing the charge or by the Pleader or Mookhtar, and shall proceed to adjudicate on the charge. If the Judge or Magistrate shall find the charge established, and consider that the Pleader or Mookhtar should be suspended or dismissed in consequence, he shall record his finding and the grounds thereof, and shall report the same to the High Court, and the High Court shall proceed to acquit, suspend or dismiss the Pleader or Mookhtar. Such report when made by any Officer other than the District Judge shall be submitted to the High Court through the District Judge, who shall accompany the report with any remarks that he may think necessary and an expression of his own opinion on the case. Such report, when made by a Magistrate subordinate to the Magistrate of the District, shall be submitted through the Magistrate of the District to the District Judge, and shall be accompanied by the remarks and opinion of the Magistrate of the District as aforesaid. The Judge or Magistrate may, pending the investigation and the orders of the High Court, suspend the Pleader or Mookhtar from practising as such in his Court.

Suspension pending investigation.

High Court may call for the record in case of acquittal under Section 16.

17. The High Court, in any case in which a Pleader or Mookhtar shall have been acquitted under the last preceding Section otherwise than by an order of the High Court, may call for the record and pass such order thereon as shall seem fit.

Dismissed Pleader or Mookhtar to surrender his certificate.

18. When any Pleader or Mookhtar shall be suspended or dismissed under any of the foregoing Sections, he shall forthwith deliver up his certificate to the Court in which he was practising at the time he was so suspended or dismissed, or to any Court to which he shall be ordered by the High Court to deliver the same. If he fail to make such delivery, he shall be liable, by order of such Court, to a fine not exceeding two hundred Rupees, and, in default of payment, to imprisonment in the Civil Jail for a term not exceeding three calendar months. If during such suspension or after such dismissal, he shall practise as a Pleader or Mookhtar in any Court, he shall be liable, by order of such Court, to a fine not exceeding five hundred Rupees, and, in default of payment, to imprisonment in the Civil Jail for a term not exceeding six calendar months.

Of Agents practising in the Revenue Offices.

No person to act as Agent in Revenue Offices or Magistrates' Courts, unless qualified as herein provided.

19. No person other than a Pleader duly qualified under the provisions hereinbefore contained, or other than persons authorized by such general or special powers of attorney as are hereinafter mentioned, shall practise as an Agent in any proceeding before the Board of Revenue or in any Office subordinate to such Board, unless he shall have obtained a certificate from such Board in the manner hereinafter provided. Any such certificate, when renewed as provided in the twenty-first Section, may be issued and signed by the Secretary of the Board or by any other Officer authorized by the Board in that behalf, or by the Collector of the District within the limits of whose jurisdiction the holder of the certificate shall practise at the time of renewal.

Names of Revenue Agents to be enrolled.

20. The Board of Revenue shall cause the name of every person (hereinafter called a Revenue Agent) who shall have obtained such certificate to be enrolled in a book to be provided and kept for that purpose by the Secretary of the Board or other Officer authorized by the Board in that behalf.

Form of Certificate.

21. Every such certificate, whether original or renewed, shall be engrossed upon stamp paper to be supplied by the person entitled to the certificate, and shall be in the form contained in the third Schedule to this Act, and shall authorize the holder to practise for the period of one year from the date of the certificate. At the expiration of such time, the holder of the certificate, if desirous to continue to practise, shall renew his certificate, and on every such renewal the certificate then in his possession shall be cancelled and retained by the Officer or Collector signing the renewed certificate. Every Collector so renewing a certificate shall notify such renewal to the Board of Revenue.

Value of stamp.

22. The stamp on such certificate, whether original or renewed, shall be of the following value—

On a certificate authorizing the holder to practise as a Revenue Agent.

In the Board of Revenue or in any Office subordinate to the Board—Rupees fifteen.

In the Office of a Commissioner or in any Office subordinate to a Commissioner—Rupees ten.

In the Office of a Collector or in any Office subordinate to a Collector—Rupees five.

Revenue Board to ascertain qualifications of Revenue Agents.

23. The Board of Revenue shall, before they shall grant any such certificate, satisfy themselves of the qualifications and fitness of the person applying for the same; and they are hereby authorized and required within six months after the commencement of this Act in the part of British India in which such Board is situate, to prepare rules for the purpose of defining what qualifications shall be required for such certificate.

Local Government to appoint Examiners.

24. To facilitate the ascertainment of the qualifications mentioned in the last preceding Section, the Local Government shall from time to time appoint persons to be Examiners for the purposes aforesaid and make regulations for conducting the examinations.

Enrolment of Revenue Agent in Office in which he shall usually practise.

25. Every person who shall have been admitted to practise as a Revenue Agent under this Act, may, subject to the conditions thereof as to the class of Offices in which he is authorized to practise, apply to be enrolled in the Office in which he shall desire ordinarily to practise, and on such application he shall be enrolled in a book to be kept for that purpose in such Office. Any such Revenue Agent shall also be entitled, on production of the certificate held by him, and subject to the conditions as aforesaid to practise as a Revenue Agent in all other Revenue Offices within the limits of the Territory under the Board of Revenue in which he is enrolled.

Board of Revenue may suspend or dismiss Revenue Agent convicted of criminal offence.

26. The Board of Revenue may suspend or dismiss any Revenue Agent practising in any Revenue Office, who shall be convicted of any criminal offence.

Board may suspend or dismiss Revenue Agent practising before it and guilty of unprofessional conduct.

27. The Board of Revenue may also, after making such enquiry as it may think proper, suspend or dismiss any Revenue Agent practising before such Board, who may be guilty of fraudulent or grossly improper conduct in the discharge of his professional duty, or for any other reasonable cause.

Procedure when a Pleader is charged with unprofessional conduct before the Board of Revenue.

28. If any Pleader shall, while practising before such Board, be charged with fraudulent or grossly improper conduct in the discharge of his duty in such practice, the Board shall enquire into the charge and report the result to the High Court, and the High Court, after making such further enquiry as it shall think fit, shall proceed to acquit, suspend or dismiss the Pleader, and shall thereupon send notice of such acquittal, suspension or dismissal to the said Board. Pending the investigation and the receipt of the notice last aforesaid, the Board may suspend the Pleader from practising before it.

Procedure when Pleader or Revenue Agent is so charged in any Office subordinate to Board of Revenue.

29. If any Pleader or Revenue Agent shall be charged with any such conduct in any Office subordinate to the Board of Revenue, the Officer at the head of such Office shall send him a copy of the charge and also a notice

that, on a day to be therein appointed, such charge will be taken into consideration. Such copy and notice shall be served upon the person charged, at least ten days before the day so appointed; and on such day or on any other day to which the enquiry may be adjourned, the Officer shall receive all evidence properly tendered by or on behalf of the person bringing the charge, or by the person charged, and shall proceed to adjudicate on the charge. If the Officer find the charge established, and consider that the person charged should be suspended or dismissed in consequence, he shall record his finding and the grounds thereof and report the same to the Board of Revenue, and the Board shall, if the person charged be a Revenue Agent, proceed to acquit, suspend or dismiss him, and shall, if he be a Pleader, forward such report to the High Court in which he is enrolled. The High Court, after making any further enquiry which it shall think necessary, shall proceed to acquit, suspend or dismiss the Pleader so charged, and shall thereupon send notice of such acquittal, suspension or dismissal to the Board by whom such report was forwarded. If the Officer shall be subordinate to the Commissioner of a Division, he shall forward the report through such Commissioner, who shall accompany the same with any remarks that he may think necessary and an expression of his own opinion on the case.

Power to Board to call for record.

30. The Board of Revenue, in any case in which a Pleader or Revenue Agent shall have been acquitted under the last preceding Section otherwise than by an order of the High Court or Board, may call for the record and pass such order thereon as shall seem fit, subject, in the case of a Pleader, to the provisions of the twenty-eighth Section.

Report to High Court when dismissed Revenue Agent is also an enrolled Mookhtar.

31. Whenever a Revenue Agent who has been dismissed or suspended by order of the Board of Revenue shall also be a Mookhtar enrolled under the provisions of this Act, the Board of Revenue, shall forward a report of the case to the High Court in which he shall be enrolled; and such Court, after making any inquiry which it may think necessary, may suspend or dismiss him as such Mookhtar.

Section 18 to apply to Vakeel or Mookhtar suspended or dismissed under Sections 28, 29, or 31.

32. The provisions of the eighteenth Section shall apply to any Pleader or Mookhtar suspended or dismissed under the twenty-eighth, twenty-ninth or thirty-first Section.

Dismissed Revenue Agent to surrender his certificate.

33 When a Revenue Agent shall be suspended or dismissed under any of the foregoing Sections, he shall forthwith deliver up his certificate to the Board of Revenue or the Officer at the head of the Office in which he was practising at the time he was so suspended or dismissed, or to any other Officer whom the Board may order to receive the same. If he fail to make such delivery, he shall be liable by order of the Board or such Officer as aforesaid to a fine not exceeding two hundred Rupees, and, in default of payment, to imprisonment in the Civil Jail for a term not exceeding three calendar months.

Penalty on unqualified person practising as Agent.

34. Every person who shall practise as a Revenue Agent in any Revenue Office in the Territories to which this Act extends, without holding a certificate then in force and without being duly qualified to practise as herein provided, shall be liable by order of the Board or Officer in whose Office he shall so practise to a fine not exceeding Rupees two hundred and, in default of payment, to imprisonment in the Civil Jail for a period which may extend to three calendar months. The person so fined as aforesaid shall be incapable of maintaining any suit for any fee or reward for or in respect of any thing done or any disbursement made by him in the course of such practising.

Persons authorized by general or special powers of attorney may be Agents.

35. Nothing hereinbefore contained shall prevent any person from employing any other person, though not a Revenue Agent enrolled under the provisions of this Act, to commence and prosecute all business or any particular business in which the employer may be concerned in any Revenue Office: Provided that the person so commencing and prosecuting all or any such business as aforesaid shall hold a general or special power of attorney, as the case may be, in that behalf, from the person so employing him: Provided also that no person shall act as last aforesaid unless he shall have received the general or the special sanction, as the case may be, in that behalf, of the Board of Revenue or other Officer authorized by the Local Government to grant such sanction.

Sanction required.

Sanction may be revoked or suspended.

36. Such general or special sanction, as the case may be, may at any time be revoked or suspended by the Board of Revenue or other Officer as aforesaid by whom it was granted; and any person who, having received such sanction, shall practise under the nineteenth Section during the continuance of such revocation or suspension, shall be liable to the penalties and incur the disabilities mentioned in the thirty-third Section.

Of the Remuneration of Pleaders and Revenue Agents.

High Court and Revenue Board to fix fees on Civil and Revenue proceedings.

37. The High Court shall from time to time fix and regulate the fees which shall be payable upon all proceedings in the Courts by any party in respect of the fees of his adversary's Pleader; and the Board of Revenue shall from time to time fix and regulate the fees which shall be payable upon all proceedings in the Revenue Courts and Offices by any party in respect of the fees of his adversary's Pleader or Revenue Agent. Tables of the fees so fixed shall be published in the Official Gazette.

Section 37 not to apply to Agents appointed under Section 35.

38. The provisions of the last preceding Section shall not be applicable to Agents appointed under the thirty-fifth Section.

Clients may make private agreements with their Pleaders, Mookhtars or Revenue Agents as to remuneration.

39. Parties employing Pleaders, Mookhtars or Revenue Agents in any Court or Office shall be at liberty to settle with them by private agreement the remuneration to be paid for their professional services, and, it shall not be ne-

cessary to specify such agreement in the power under which such Pleaders, Mookhtars or Revenue Agents for the time being act. Such agreements shall not be enforced otherwise than by regular suit.

Miscellaneous.

Suitors may appear, &c., for co-suitors.

40. Any suitor may appear, plead and act in any suit, appeal or other proceeding on behalf of any co-suitor. And in all Criminal Courts, any person defending a case may (with the permission of the presiding Judge or Magistrate) employ any other person, though not a Pleader or Mookhtar duly qualified under the provisions of this Act, to assist him in such defence. But no suitor nor person so appearing, pleading, acting or assisting, shall be entitled to recover any fee or reward therefor.

Prosecutors or prisoners may employ any assistant.

Fees not recoverable by such persons.

Rules to be published in the Gazette.

41. The rules mentioned in the fourth and twenty-third Sections and all variations of and additions to such rules, shall be published in three consecutive numbers of the Official Gazette. Rules made under this Act by a High Court not established by Royal Charter shall, before such publication, be submitted to and approved by the Local Government.

Fines subject to revision.

42. Every order for imposing a fine which shall be passed under this Act, shall be subject to revision by the High Court if the order shall have been passed by a Court subordinate to the High Court, or by the Board of Revenue if the order shall have been passed by an Officer subordinate to such Board.

Pleaders in subordinate Courts may apply to District Judge for enrolment.

43. Any person who at the time that this Act shall come into operation in any part of British India shall be practising as a Pleader in any Court in such part, and who shall wish to be enrolled as a Pleader under this Act may apply to be so enrolled to the Court in which he is practising. Such Court, if subordinate to the High Court, shall forward the application to the High Court. The High Court shall cause the applicant to be enrolled under the provisions of this Act, and, if he be practising in a subordinate Court, shall authorize the District Judge to grant a certificate to the applicant as provided in the eighth, ninth and tenth Sections. Applications for enrolment under this Section, when made by any Pleader practising in a Court subordinate to the District Court, shall be forwarded to the High Court through the District Judge.

Act not to apply to Advocates, &c., admitted & enrolled by any High Court under Letters Patent.

44. With the exception of Section thirty-nine this Act shall not apply to Advocates, Vakeels and Attorneys-at-law, admitted and enrolled by any High Court under the Letters Patent by which such Court is constituted, nor to Mookhtars practising in such Court: Provided that the High Court shall have power to make rules for the qualification, admission, enrolment, suspension and dismissal of the Mookhtars practising on the appellate side of such Court and to prescribe penalties for persons practising contrary to such rules or any of them, and from time to time to vary such rules and penalties. Provided also that the High Court may from time to time fix and regulate the fees which shall be payable on all proceedings on the appellate side of such Court by any party in respect of the fees of his adversary's Vakeel. The rules, penalties and fees so made, prescribed and fixed and every variation thereof shall be published in three consecutive numbers of the Official Gazette.

Advocates and Vakeels enrolled in a High Court may practise in any Court other than a High Court in which they are not enrolled.

45. Every person now or hereafter enrolled as an Advocate or Vakeel on the Roll of any High Court under the Letters Patent constituting such Court shall, notwithstanding any thing hereinbefore contained, be entitled as such to practise in any Court in British India other than a High Court on whose Roll he is not enrolled, or in any such Court with the permission of the Court, and in any Revenue Office, subject nevertheless to the rules in force relating to the language in which the Court or Officer is to be addressed by Pleaders or Revenue Agents. Provided that no such Vakeel shall be entitled to practise under this Section before a Judge of the High Court, Division Court or High Court exercising original jurisdiction.

Attorney of a High Court may plead in any Court not a High Court.

46. Every person now or hereafter enrolled as an Attorney on the Roll of any High Court shall, notwithstanding anything hereinbefore contained, be entitled as such to *practise* in any Court of British India other than a High Court established by Royal Charter and in any Revenue Office.

Commencement and extent of Act.

47. This Act shall take effect in the Territories under the Governments of the Lieutenant Governors of Bengal and the North-Western Provinces, respectively, on the first day of January 1866, and may be extended by order of any other Local Government to the Territories subject to such Government. Every such order shall be published in the Official Gazette.

Repeal of inconsistent enactments in Madras, Bombay, the Punjab, &c.

48. From the date on which this Act shall be extended by the Local Government under the provision contained in the last preceding Section to the Territories subject to such Government, so much of the Regulations in force therein as is in any way inconsistent with, or repugnant to, any of the provisions of this Act, shall cease to have effect in such Territories except as to the recovery and application of any penalty for any offence which shall have been incurred before such extension of the Act.

FIRST SCHEDULE.

Regulations and Acts and parts of Regulations and Acts repealed so far as they affect the Territories to which this Act extends.

Number and date of Regulations.	What Code.	Title.	Extent of Repeal.
Regulation XXVII, 1814.	Bengal Code.	For reducing into one Regulation, with amendments and modifications, the several rules which have been passed regarding the office of Vakeel or Native Pleader in the Courts of Civil Judicature.	So much as has not already been repealed.
Regulation VII, 1822.	Bengal Code.	For declaring the principles according to which the settlement of the land revenue in the Ceded and Conquered Provinces, including Cuttack, Puttaspore, and its dependencies, is to be hereafter made, and the powers and duties belonging to Collectors or other Officers employed in making, revising, or superintending Settlements; for continuing, with certain exceptions, the existing leases within the said Provinces, for a further term of five years; for defining, settling, and recording the rights and obligations of various classes and persons possessing an interest in the land, or in the rent or produce thereof; and for vesting the Revenue Authorities with judicial cognizance in certain cases of suits and claims relating to land, the rent, and produce of land.	Section xxv.
Regulation IX, 1825.	Bengal Code.	For extending the operation of Regulation VII, 1822; for authorizing the Revenue Authorities to let in farm estates under temporary leases, on the default of the Malguzars, or to hold the same khas for a term of years; for modifying and adding to the rules contained in Regulation II, 1819; and for making certain other amendments in the existing Regulations.	So much of Clause 9, Section v, as provides that Section xxv of Regulation VII of 1822, shall be applicable to cases investigated by Collectors under the rules of Regulation II of 1819, or under the provisions of Regulation IX of 1825.

Number and date of Acts.	Title.	Extent of Repeal.
Act I of 1846.	For amending the law regarding the appointment and remuneration of Pleaders in the Courts of the East India Company.	The whole.
Act XVIII of 1852.	To amend the law relating to Pleaders in the Lower Provinces of the Presidency of Bengal.	The whole.
Act XX of 1853.	To amend the law relating to Pleaders in the Courts of the East India Company.	The whole.
Act X of 1859.	To amend the law relating to the recovery of rent in the Presidency of Fort William in Bengal.	So much of Section lxxi as directs that no fee for any Agent shall be charged as part of the costs of suit in any case under the said Act, and the whole of Section cxlix.

SECOND SCHEDULE.

Form of Pleader or Mookhtar's Certificate.

Stamp

Pursuant to "The Pleaders, Mookhtars and Revenue Agents' Act, 1865," I hereby certify that A. B. Pleader [*or* Mookhtar], whose place [*or* places] of business is [*or* are] at hath this day delivered and left with me a declaration in writing signed by him and containing his name and place [*or* places] of business and the Court [*or* Courts] of which he is admitted a Pleader [*or* Mookhtar] together with the year in which he was so admitted; and I hereby further certify that he is duly enrolled in the High Court of Judicature at Fort William in Bengal [*or* the Sudder Court of the North-Western Provinces, *or as the case may be*] and that he is entitled to practise as a Pleader [*or* Mookhtar] in the District Courts, subordinate Courts, and Small Cause Courts [*or* the Sudder Court of the North-Western Provinces, and any subordinate Court, *or* the Sudder Ameens' Courts, *or* the Moonsiffs' Courts *as the case may be*] and to practise as a Revenue Agent before the Board of Revenue of the Lower Provinces [*or* of the North-Western Provinces, *or as the case may be*] for the period of one year from the date hereof. Given under my hand this day of 186 .

C. D.

Registrar [*or as the case* may be] of the High Court of Judicature at Fort William in Bengal [*or* of the Sudder Court of the North-Western Provinces, *or as the case may be.*]

THIRD SCHEDULE.

Form of Revenue Agent's Certificate.

Stamp

Pursuant to "The Pleaders, Mookhtars and Revenue Agents' Act, 1865," I hereby certify that A. B. of is entitled to practise as a Revenue Agent before the Board of Revenue of the North-Western Provinces [*or* of the Lower Provinces, *or as the case may be*], and in any office subordinate thereto in such Provinces, for the period of one year from the date thereof Given under my hand this day of 186 .

C. D.

Secretary to the Board of Revenue of the North-Western Provinces [*or* the Lower Provinces, *or as the case may be.*]

WHITLEY STOKES,
Offg. Asst. Secy. to the Govt. of India, Home Dept. (Legislative).

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 10th April 1865, and is hereby promulgated for general information:—

ACT No. XXI OF 1865.

An Act to define and amend the Law relating to Intestate Succession among the Parsees.

Preamble.

Whereas it is expedient to define and amend the Law relating to Intestate Succession among the Parsees; It is enacted as follows:—

Division of property among widow and children of Intestate.

1. Where a Parsee dies leaving a widow and children, the property of which he shall have died intestate shall be divided among the widow and children, so that the share of each son shall be double the share of the widow, and that her share shall be double the share of each daughter.

Division of property among widower and children of Intestate.

2. Where a female Parsee dies leaving a widower and children, the property of which she shall have died intestate shall be divided among the widower and such children, so that his share shall be double the share of each of the children.

Division of property amongst the children of male Intestate who leaves no widow.

3. When a Parsee dies leaving children but no widow, the property of which he shall have died intestate shall be divided amongst the children, so that the share of each son shall be four times the share of each daughter.

Division of property amongst the children of female Intestate who leaves no widower.

4. When a female Parsee dies leaving children but no widower, the property of which she shall have died intestate shall be divided amongst the children in equal shares.

Division of predeceased child's share of Intestate's property among the widow or widower and issue of such child.

5. If any child of a Parsee Intestate shall have died in his or her lifetime, the widow or widower and issue of such child shall take the share which such child would have taken if living at the Intestate's death in such manner as if such deceased child had died immediately after the Intestate's death.

Division of property when the Intestate leaves a widow or widower, but no lineal descendants.

6. Where a Parsee dies leaving a widow or widower, but without leaving any lineal descendants, his or her father and mother, if both are living, or one of them if the other is dead, shall take one moiety of the property as to which he or she shall have died intestate, and the widow or widower shall take the other moiety. Where both the father and the mother of the Intestate survive him or her, the father's share shall be double the share of the mother. Where neither the father nor the mother of the Intestate survives him or her, the Intestate's relatives on the father's side, in the order specified in the first Schedule hereto annexed, shall take the moiety which the father and the mother would have taken if they had survived the

Intestate. The next of kin standing first in the same Schedule shall be preferred to those standing second, the second to the third, and so on in succession, provided that the property shall be so distributed as that each male shall take double the share of each female, standing in the same degree of propinquity. If there be no relatives on the father's side, the Intestate's widow or widower shall take the whole.

Division of property when the Intestate leaves neither widow nor widower nor lineal descendants.

7. When a Parsee dies leaving neither lineal descendants nor a widow or widower, his or her next of kin, in the order set forth in the second Schedule hereto annexed, shall be entitled to succeed to the whole of the property as to which he or she shall have died intestate. The next of kin standing first in the same Schedule shall always be preferred to those standing second, the second to the third, and so on in succession, provided that the property shall be so distributed as that each male shall take double the share of each female standing in the same degree of propinquity.

Exemption of Parsees from certain parts of the Indian Succession Act, 1865.

8. The following portions of the Indian Succession Act, 1865, shall not apply to Parsees (that is to say) the whole of Part III, the whole of Part IV excepting Section twenty-five, the whole of Part V, and Section forty-three.

THE FIRST SCHEDULE.

(1.) Brothers and sisters, and the children or lineal descendants of such of them as shall have predeceased the Intestate.

(2.) Grandfather and grandmother.

(3.) Grandfather's sons and daughters, and the lineal descendants of such of them as shall have predeceased the Intestate.

(4.) Great grandfather and great grandmother.

(5.) Great grandfather's sons and daughters, and the lineal descendants of such of them as shall have predeceased the Intestate.

THE SECOND SCHEDULE.

(1.) Father and mother.

(2.) Brothers and sisters and the lineal descendants of such of them as shall have predeceased the Intestate.

(3.) Paternal grandfather and paternal grandmother.

(4.) Children of the paternal grandfather, and the lineal descendants of such of them as shall have predeceased the Intestate.

(5.) Paternal grandfather's father and mother.

(6.) Paternal grandfather's father's children, and the lineal descendants of such of them as shall have predeceased the Intestate.

(7.) Brothers and sisters by the mother's side, and the lineal descendants of such of them as shall have predeceased the Intestate.

(8.) Maternal grandfather and maternal grandmother.

(9.) Children of the maternal grandfather, and the lineal descendants of such of them as shall have predeceased the Intestate.

(10.) Son's widow, if she have not re-married at or before the death of the Intestate.

(11.) Brother's widow, if she have not re-married at or before the death of the Intestate.

(12.) Paternal grandfather's son's widow, if she have not re-married at or before the death of the Intestate.

(13.) Maternal grandfather's son's widow, if she have not re-married at or before the death of the Intestate.

(14.) Widowers of the intestate's deceased daughters, if they have not re-married at or before the death of the Intestate.

(15.) Maternal grandfather's father and mother.

(16.) Children of the maternal grandfather's father, and the lineal descendants of such of them as shall have predeceased the Intestate.

(17.) Paternal grandmother's father and mother.

(18.) Children of the paternal grandmother's father, and the lineal descendants of such of them as shall have predeceased the Intestate.

WHITLEY STOKES,
Offg. Asst. Secy. to the Govt. of India,
Home Dept., (Legislative.)

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 17th April 1865, and is hereby promulgated for general information :—

ACT No. XXII OF 1865.

An Act to amend Act No. XVIII of 1864, *(to provide for the appointment of a Municipal Committee for the City of Lucknow).*

Preamble.

Whereas it is expedient to amend Act No. XVIII of 1864 (to provide for the appointment of a Municipal Committee for the City of Lucknow); It is enacted as follows :—

Act XVIII of 1864, Section 21, repealed.

1. Section twenty-one of the said Act No. XVIII of 1864 is hereby repealed, and the following Section shall be read in lieu thereof.

Power to Governor General in Council to extend Act XVIII of 1864.

2. It shall be lawful for the Governor-General of India in Council, by Order published in the Gazette of India, to extend the said Act to any place under the immediate administration of the Government of India; and when so extended, it shall have effect in such place as if the name of such place were substituted throughout the said Act for the name "Lucknow." The Governor General of India in Council shall by such Order declare how many persons shall be members, and what and how many persons shall be *ex-officio* members, of the Committee to be constituted in the place to which the said Act shall have been so extended: Provided that the number of such *ex-officio* members shall not be more than one-third of the number of all the members of such Committee.

This Act to be construed with Act XVIII of 1864.

3. This Act shall be read and taken as part of the said Act No. XVIII of 1864.

WHITLEY STOKES,
Offg. Asst. Secy. to the Govt. of India,
Home Department (Legislative.)

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 17th April 1865, and is hereby promulgated for general information :—

ACT No. XXIII OF 1865.

An Act to amend the constitution of the Chief Court of Judicature in the Punjab and its Dependencies.

Preamble.

Whereas it is expedient to amend the constitution of the Court of the Judicial Commissioner of the Punjab and its Dependencies, and to invest the Judges of the Court constituted under this Act with an original jurisdiction for the trial of certain Civil and Criminal cases; It is enacted as follows :—

Interpretation of terms.

1. In this Act, unless there be something repugnant in the subject or context—

"Punjab."

"Punjab" means the Territories for the time being under the Government of the Lieutenant-Governor of the Punjab and its Dependencies.

"Lieutenant-Governor."

"Lieutenant-Governor" means the Lieutenant-Governor for the time being of the Punjab.

"Chief Court."

"Chief Court" means the Chief Court of the Punjab constituted under this Act.

"Judge," "Registrar."

"Judge," "Registrar," and other words denoting any particular Officer respectively include any person for the time being authorized to act as such Judge, Registrar or other Officer.

"Magistrate."

"Magistrate" denotes any person exercising any of the powers of a Magistrate as defined in the Code of Criminal Procedure.

"Barrister."

"Barrister" includes Barristers of England or Ireland, and Members of the Faculty of Advocates in Scotland.

"Section."

"Section" denotes a Section of this Act.

Number.

Words in the singular include the plural: words in the plural include the singular.

Gender.

Words importing the masculine gender include females.

Constitution of Chief Court.

2. The Court constituted under this Act shall be styled the Chief Court of the Punjab, and shall consist of two or more Judges, who shall be appointed by the Governor-General of India in Council, and of whom one at least shall always be a Barrister of not less than five years' standing: Provided that the person who at the time of the constitution of the Chief Court shall be the Judicial Commissioner of the Punjab, shall become a Judge of such Court without further appointment for that purpose.

Precedence of Judges of Chief Court.

3. The Judges of the Chief Court shall have rank and precedence in the Court according to the seniority of their appointments as such Judges.

Tenure of office of Judges of Chief Court.

4. The Judges of the Chief Court shall hold their offices during the pleasure of the Governor-General of India in Council.

Declaration to be made by persons appointed Judges of Chief Court.

5. Previously to entering on the execution of the duties of his office, every Judge appointed under this Act shall make or subscribe the following declaration before the Lieutenant-Governor or such authority or person as he may commission to receive the same :—

"I, A. B., appointed Judge of the Chief Court of the Punjab, do solemnly declare that I will faithfully perform the duties of my office to the best of my ability, knowledge, and judgment."

Appointment of Registrar.

6. The Judges of the Chief Court with the sanction of the Lieutenant-Governor may, from time or time, appoint a person to be the Registrar of the said Court. The Registrar shall be the principal Ministerial Officer of the Court, and shall have such powers, and perform such duties, as shall be given and assigned to him by the Court by any rule duly made by the Court under the forty-fourth Section.

Appointment and removal of Ministerial Officers.

7. The Judges of the Chief Court may, from time to time, and subject to any rules and restrictions which may be prescribed by the Governor-General of India in Council, appoint a Deputy Registrar and such and so many Clerks and other Ministerial Officers as shall be found necessary for the administration of justice by such Court, and the due execution of the powers and authorities given to it by this Act.

Dismissal of Officers of Court.

8. Every Officer appointed under either of the last two preceding Sections shall be liable to dismissal by order of the Chief Court: Provided that neither the Registrar nor Deputy Registrar shall be removed from office without the sanction of the Lieutenant-Governor.

Seal of Chief Court.

9. The Chief Court shall have, and use as occasion may require, a Seal with this inscription "The Seal of the Chief Court of the Punjab," to be made under the directions of the Lieutenant-Governor; and all summonses, decrees and other process issuing out of the Court shall be stamped with such Seal, and signed by a Judge or the Registrar or Deputy Registrar of the Court.

Processes to be sealed with Court Seal, and signed by Judge or Registrar.

Agent for Secretary of State, suitors and Advocates, &c., of High Courts may appear and plead.

10. Any person duly authorized by the Secretary of State for India in Council to appear, plead or act on his behalf; (2) any suitor appearing, pleading or acting on his own behalf or on behalf of a co-suitor; (3) any person who, for

the time being, is an Advocate, Vakeel or Attorney-at-law of any of the High Courts of Judicature in India or of the Sudder Court of the North-Western Provinces,—shall be permitted to appear and act as the Pleader of any suitor in the Chief Court in any suit or touching any matter whatever. Save as aforesaid, no person shall be permitted to appear or act as the Pleader of any suitor in the Chief Court in any suit, or touching any matter whatever, unless such person shall have been previously licensed by the Court to act for the suitors of such Court generally, or specially for the particular occasion. It shall be lawful for the Judges to make Rules for the qualifications and admission of proper persons to act as Pleaders in the Court.

Licensing of Pleaders.

Rules regarding their qualifications and admission.

11. The Chief Court may for sufficient reason revoke any license which the Court shall at any time grant to any person to act generally or specially as a Pleader under this Act, and may for sufficient reason suspend any person whatsoever from appearing or acting as a Pleader in any suit, or touching any matter.

Power to suspend or revoke Pleaders' license.

12. The fees to be received by any Pleader, other than an Advocate of a High Court, shall be subject to the order and control of the Court, and no fees shall be recoverable by any such Pleader except such fees as shall be allowed under the forty-fourth Section.

Fees of Pleaders to be subject to control.

13. The Chief Court shall be the highest Court of Appeal from the Civil and Criminal Courts in the Punjab, and shall (subject to the provision hereinafter contained) be the only Court exercising appellate jurisdiction in such cases (whether relating to the title or succession to land or to the possession or any right in respect of land or otherwise) as are subject to appeal to the highest Civil and Criminal Court in the Punjab, by virtue of any law or practice now in force, or as shall become subject to appeal to the Chief Court by virtue of any law hereafter made by the Governor-General of India in Council. Provided that when a settlement of Land Revenue shall be in progress, and the Local Government, under Act No. XIX of 1865 *(to define the jurisdiction of the Courts of Judicature of the Punjab and its Dependencies)* shall have invested the Financial Commissioner of the Punjab with the power of a Court of final appeal in any class of suits regarding land, or the rent revenue or produce of land, the jurisdiction of the Chief Court shall, so far as regards such class of suits, be barred during the continuance of the power with which such Commissioner shall have been so invested.

The Chief Court to be the ultimate Court of Appeal from the Civil and Criminal Courts in the Punjab.

14. The Chief Court may remove and try and determine as a Court of original jurisdiction any suit being or falling within the jurisdiction of any Court subject to its superintendence when the Chief Court shall think proper to do so, either on the agreement of the parties to that effect, or for purposes of justice.

Extraordinary original Civil jurisdiction.

15. The Chief Court may withdraw any suit or appeal from any Court subject to its superintendence other than a Court of Small Causes or a Court of a Cantonment Magistrate, and refer such suit or appeal for trial to any other subordinate Court competent in respect of the value or amount of the suit to try the same.

Power to transfer suits and appeals from one subordinate Court to another.

16. The Chief Court may call for the record of any case decided by any Court of Small Causes, or on appeal by any Court subject to its superintendence in which no appeal shall lie to the Chief Court, if such Court of Small Causes or subordinate Court in hearing the appeal shall appear to have exercised a jurisdiction not vested in it by law.

Power to call for record of cases decided by subordinate Courts.

17. All special appeals preferred after the date on which the Chief Court is established, from the decrees of Civil Courts of whatever grade in the Punjab, shall lie to and shall be heard by the Chief Court only, and not by any other Court.

Special appeal from Courts in Punjab to lie only to Chief Court.

18. Save as in this Act is otherwise provided, the proceedings in the Chief Court in Civil suits of every description between party and party shall be regulated by the Rules relating to Civil Procedure for the time being in force in the Punjab.

Regulation of proceedings in Civil suits.

19. In the exercise of its Civil jurisdiction, Original as well as Appellate, such Rules of law or equity and good conscience shall (until otherwise provided) be applied by the Chief Court in each case coming before it, as would have been applicable to such case by any local Court having jurisdiction therein.

In exercise of Civil jurisdiction, law of the local Courts to apply.

20. The Chief Court shall have power, as a Court of original jurisdiction, to try European British subjects committed to it for trial; and from the date on which this Act shall come into operation, no commitment of a European British subject for trial by a High Court of Judicature, shall be made by any Court or Officer in the Punjab; but every commitment which, if this Act had not been passed, could have been made to a High Court, shall be made to the Chief Court. Whenever any such European British subject shall be committed or bailed for trial before the Chief Court, the Chief Court shall direct at what place within the limits of its jurisdiction the trial shall be held.

Power to try European British subjects.

21. Any Justice of the Peace or Magistrate who shall commit to custody or hold to bail any European British subject for trial before the Chief Court, shall, together with the record of the preliminary enquiry and all recognizances and other documents and any weapon or article of property connected with the case, deliver to the Registrar of the Chief Court a written instrument of charge signed by him, stating for

Charge to be delivered to Registrar with commitment of European British subject.

what offence such European British subject is so committed or held to bail.

Chief Court to consider, and, if it will, to amend, alter or add to the charge.

22. The Chief Court shall consider the charge, and may, if it appear necessary or expedient so to do, amend, alter or add to the same. The charge, with such amendments, alterations or additions, if any, shall be recorded in the Chief Court, and the person charged shall be entitled to have a copy of such charge with such amendments, alterations or additions (if any) gratis.

Charge with amendments, alterations or additons (if any) to be recorded.

Accused to have copies of examinations.

23. The person charged shall also, if he demands them at a reasonable time before the trial, be furnished with copies of the depositions of the witnesses upon whose depositions he has been so committed or held to bail, on payment of a reasonable sum for the same, not exceeding one anna for each folio of ninety words.

Effect of charge.

24. Upon charges recorded as aforesaid, persons committed to custody or held to bail shall be deemed to have been brought before the Chief Court in due course of law, and (subject to the provisions contained in the Code of Criminal Procedure as to the amendment and alteration of charges, and subject also to the provisions of the next following Section) shall be tried upon the charges so recorded.

Chief Court may order an unsustainable charge not to be proceeded with.

25. When any such charge shall have been recorded in the Chief Court as aforesaid, and shall at any time before the commencement of the trial of the person charged, appear to the Chief Court to be clearly unsustainable, an entry to that effect may be made on the charge by a Judge of the Court.

Effect of such order.

Such entry shall have the effect of staying proceedings upon the charge, but shall not operate as an acquittal of the person charged unless and until three years from the time of making the entry shall have elapsed, at the expiration of which period, if no fresh charge have been brought on the same matter, he shall be considered as having been acquitted.

Places of holding sittings.

26. The Chief Court shall ordinarily hold its sittings at the seat of Government of the Punjab: but it may from time to time, with the approval of the Lieutenant-Governor, hold sittings at such other places in the Punjab as shall seem convenient. Due notice shall be given beforehand in the Official Gazette of all sittings intended to be held for the trial of cases in the exercise of the original Criminal jurisdiction of the Court.

Procedure pending directions of Chief Court as to place of trial of European British subject.

27. Pending the directions of the Chief Court as to the place of trial, every such European British subject as is referred to in the twenty-first Section shall (if not out on bail) be committed by the Justice of the Peace or Magistrate for intermediate custody to the nearest Criminal jail in which he can be most conveniently confined. If the trial shall be directed to be held at the usual place of sitting of the Court, the Justice of the Peace or Magistrate shall bind over the person charged to appear and take his trial at such usual place of sitting, or shall commit him to the jail at such place. If the Chief Court shall direct that the person charged be tried elsewhere than at its usual place of sitting, the Justice of the Peace or Magistrate shall bind him over to appear and take his trial at the place directed, or shall, if necessary, cause him to be removed to the Criminal jail of or nearest to the place at which he is directed to be tried; and the Officer in charge of such Criminal jail shall keep him in safe custody until discharged in due course of law.

Chief Court may order European British subjects committed in certain Districts in certain seasons of the year to be tried at a particular place and confined in a particular jail.

28. It shall be lawful for the Chief Court to direct that all European British subjects committed or bailed for trial within certain specified Districts or during certain specified periods of the year, shall be tried at the usual place of sitting of the Court, or to direct that they shall be tried at a particular place named, and also to order that such European British subjects shall, if not bailed, be committed for intermediate custody to a particular jail, being one of the jails appointed by the Government for the reception of such prisoners.

Trials under Section 20 to be by Jury.

29. All trials under the twentieth Section shall be by Jury.

Summoning of Jurors to serve on trials.

30. Whenever the Chief Court shall have given notice of its intention to hold sittings at any place (whether at the seat of Government of the Punjab or otherwise) for the exercise of its original Criminal jurisdiction, the Court of Session at such place shall take and cause to be taken the measures prescribed by Sections three hundred and thirty-six to three hundred and forty, both inclusive, of the Code of Criminal Procedure for the summoning of Jurors; and in addition to the persons so summoned as Jurors, the said Court of Session shall, if it shall think needful, after communication with the Commanding Officer, cause to be summoned such number of Commissioned and Non-Commissioned Officers in the Military service resident with ten miles of its place of sitting as the Court shall consider to be necessary to make up the Juries required for the trial of European British subjects charged with offences before the Chief Court as aforesaid. All Commissioned and Non-Commissioned Officers so summoned shall be liable to serve on such Juries notwithstanding anything contained in the Code of Criminal Procedure, but no Commissioned or Non-Commissioned Officer shall be summoned whom his Commanding Officer shall desire to have excused on the ground of urgent Military duty or for any other special Military reason. The Juries for the trial of European British subjects as aforesaid shall be formed in the manner required by the Code of Criminal Procedure and by this Act from the persons summoned under the said Sections of the Code of Criminal Procedure, and from the Commissioned and Non-Commissioned Officers sum-

Military men not exempt.

moned as aforesaid, or, if no such Officers have been summoned, then solely from the persons summoned under the same Sections.

Jury for trial of European British subject.

31. If any European British subject charged as aforesaid shall so require before the Jury shall be empannelled, the majority of the Jurors shall consist of Europeans or Americans or both Europeans and Americans.

Number of Jury requisite to verdict of guilty.

32. On every trial of an European British subject under this Act, the Jury shall consist of twelve persons, and unanimity, or a majority of not less than nine with the concurrence of the presiding Judge, shall be necessary for a verdict of guilty. In default of such unanimity, or of such majority and concurrence, the prisoner shall be acquitted.

Portions of Section 380 of Criminal Procedure Code not to apply to sentences by Chief Court

33. So much of the three hundred and eightieth Section of the Code of Criminal Procedure as requires the confirmation by the Sudder Court of sentences of death passed by a Court of Session, and so much of the said Section as requires from the Court a statement of the grounds on which a person convicted of an offence made punishable by death by the Indian Penal Code has been sentenced to a punishment other than death, shall not apply to sentences by the Chief Court passed in the exercise of its original Criminal jurisdiction.

Portion of 26th Chapter of Criminal Procedure Code not to apply to sentences of Court.

34. So much of the twenty-sixth Chapter of the Code of Criminal Procedure as requires judgment to be passed by a Criminal Court in any particular form, and as requires that the sentence or finding shall be recorded in any particular form, shall not apply to judgments, sentences or findings in trials before the Chief Court acting in the exercise of its original Criminal jurisdiction; but the Chief Court shall pass judgment and shall record or cause to be recorded the sentence and finding in such form as it shall think proper.

Power to single Judge to reserve for Chief Court any question of law or evidence.

35. When any person has been convicted of an offence before a Judge of the Chief Court acting in the exercise of its original Criminal jurisdiction, the Judge, if he think proper, may reserve for the decision of a Court consisting of such Judge and one or more other Judge or Judges of the Chief Court, any question of law or of the admissibility of evidence which has arisen in the course of the trial of such person. If the Judge reserve no such question, he shall forward the prisoner with a copy of his sentence and a warrant for the execution of the same to the Magistrate or other Officer in charge of the jail of the District or place in which the trial was held, and on the receipt of the warrant such Magistrate or other Officer shall proceed as provided in the three hundred and eighty-fifth Section of the Code of Criminal Procedure. If the Judge reserve any question of law or of the admissibility of evidence, the person convicted shall, pending the decision thereon, be remanded to jail. If the decision on the question be adverse to the person convicted, the Court shall send a copy of its sentence and a warrant for the execution of the same to the Magistrate or other Officer in charge of the jail to which the prisoner shall have been remanded, and such Magistrate or other Officer shall proceed as provided in the same Section.

Procedure where no such question reserved.

Save as aforesaid, Criminal Procedure Code to apply to juries, trials, sentences and execution.

36. Save as is hereinbefore otherwise provided, the Code of Criminal Procedure shall apply to the constitution and formation of Juries for the purpose of trials before the Chief Court acting in the exercise of its original Criminal jurisdiction and to trials before such Court and to sentences by such Court and to the carrying into execution of such sentences.

British subjects to be amenable for offences committed in foreign territory.

37. Every European British subject apprehended within the Punjab, or delivered into the custody of a Magistrate within the Punjab wherever apprehended, shall be amenable to the law for any offence committed by him within the territory of any Foreign Prince or State, and may be bailed or committed for trial as hereinafter provided on the like evidence as would warrant his being bailed or committed for trial for the same offence if it had been committed in the Punjab.

Committing Magistrate to report to the Lieutenant-Governor.

38. The committing Magistrate immediately and before the trial shall report the case to the Lieutenant-Governor, and shall obey the orders which he shall receive thereon, and the Lieutenant-Governor may order the trial to be had before the Chief Court.

If the offence is committed where there is a competent Court, Lieutenant-Governor may take steps to have trial there.

39. When the offence is charged to have been committed in the territory of any Foreign Prince or State, administered by Officers acting under the authority of the Government of India, in which territory a Court competent to try the person charged is established by authority of the Governor-General of India in Council, the Lieutenant-Governor may order such person to be conveyed in custody out of the Punjab for the purpose of delivering him up for trial before such Court.

Form of warrant of commitment and of bail-bond.

40. When the person charged is committed to custody the form of the warrant shall specify the commitment to be until the orders of the Lieutenant-Governor can be received and acted on. When he is bailed, the form of the bail-bond shall be in the first instance to appear before the Magistrate on a certain day assigned, allowing reasonable time for the receipt of the orders of the Lieutenant-Governor, and on such subsequent days as the Magistrate shall from time to time require. If the Lieutenant-Governor shall order the person charged to be tried in the Chief Court, the Magistrate may cause the bail-bond to be renewed in the usual form to appear and take his trial in such Court.

41. In either case the special order of the Lieutenant-Governor shall be deemed full authority either for the trial of the person charged within the Punjab, or for conveying him in custody out of the Punjab as aforesaid.

Order of Lieutenant-Governor to be full authority.

42. No decree of any Civil Court shall be reversed or modified on appeal, and no sentence of any Criminal Court shall be reversed or modified on appeal or revision, save by the order of not less than two Judges of the Chief Court.

Two Judges at least necessary to reverse or modify sentences or decrees of Sessions or Civil Judges.

43. Save as herein otherwise provided, the Chief Court may by its own Rules provide for the exercise, by one or more Judges, of the original and appellate jurisdiction vested in such Court, in such manner as may appear to such Court to be convenient for the due administration of justice.

Chief Court may provide for exercise of the Court's jurisdiction by one or more of its Judges.

44. The Chief Court shall have superintendence over all Courts which may be subject to its appellate jurisdiction, and shall have power to call for returns, to make and issue general rules for regulating the practice and proceedings of the Chief Court and of such subordinate Courts, to give and assign to the Ministerial Officers of the said Chief Court and subordinate Courts respectively such powers and duties as may seem fit, to frame and prescribe forms for every proceeding in the said Courts for which it shall think necessary that a form be provided, and also for keeping all books, entries, and accounts to be kept by the Officers, and to settle Tables of Fees to be allowed to Pleaders, and from time to time to alter any such rule or form or table; and the rules so made, and the forms so framed, and the tables so settled, shall be published in the Official Gazette, and after being so published shall be used and observed in the Chief Court: Provided that such general rules and forms and tables be not inconsistent with the provisions of this Act or any law in force, and shall before they are issued have received the sanction of the Lieutenant-Governor.

Chief Court to superintend subordinate Courts, and to frame Rules of practice for itself and such Courts.

45. The Chief Court shall have jurisdiction in all proceedings pending in the Court of the Judicial Commissioner of the Punjab at the time of the constitution of the Chief Court; and all previous proceedings of the Court of the said Commissioner shall be dealt with as if the same had been had in the Chief Court.

Provisions as to proceedings pending in Judicial Commissioner's Court.

46. If the Chief Court shall consist of two Judges only, and if in any case heard by such Judges sitting together there shall be a difference of opinion between them, the following course shall be pursued, that is to say:—

Procedure in case of difference of opinion between Judges when Court consists of only two.

(*1st*)—If the case be heard in appeal and the difference of opinion shall be on any question of fact in the finding of the Lower Court, the finding shall be upheld.

1st.—On Appeal on a question of fact.

(*2nd*)—If the difference of opinion shall be on a point of law or of usage having the force of law, the ruling of the Lower Court shall in such case also be upheld, unless one of the Judges shall be of opinion that the point is one which ought to be referred to the High Court of Judicature at Calcutta, in which case the Judges shall state the point as to which they differ, and forward such statement, with their own opinions respectively, to such High Court. The Chief Court may proceed in the case notwithstanding such reference, and may pass a decree contingent upon the opinion of the High Court on the point referred; but no execution shall be issued in any case in which a reference shall have been made until the receipt of the order of the High Court.

2nd.—On Appeal on a question of law.

(*3rd*)—If the case be heard by the Judges in the exercise of the original jurisdiction of the Chief Court, and the difference of opinion shall be on a point of law or usage having the force of law, the Judges shall state the point on which they differ, and proceed as last hereinbefore provided. The same rule shall be observed when a difference of opinion may arise between two Judges of the Court upon a point of law reserved under the thirty-fifth Section.

3rd.—In exercise of original jurisdiction on a question of law.

(*4th*)—If the case be heard by the Judges in the exercise of the original jurisdiction of the Chief Court, and the difference of opinion be on a question of fact, the opinion of the Senior Judge shall prevail, and he shall pronounce his decision as the decision of the Court.

4th.—In exercise of original jurisdiction on a question of fact.

47. Cases referred under this Act for the opinion of the High Court of Judicature at Calcutta, shall be heard by not less than three Judges of that Court, and shall be determined according to the opinion of the majority of such Judges.

Hearing and decision of referred cases.

48. The parties to such cases may appear, plead and act in the said High Court in person, or by an Advocate or Vakeel of such High Court; and the High Court, when it has heard and considered the case, shall transmit a copy of its opinion under the seal of the Court and the signature of the proper Officer of the Court, to the Judges of the Chief Court. Costs, if any, consequent on the reference of a case for the opinion of the High Court, under the forty-sixth Section, shall be costs in the suit.

Parties may appear in person, or by Advocate or Vakeel.

Transmission of judgment of High Court and proceeding thereupon.

Costs of reference to High Court.

49. The Chief Court shall keep such registers, books and accounts, and submit to the Lieutenant-Governor such statements of the work done in the Court as may be required by him. The Chief Court shall also comply

Registers, books, accounts, and statements to be kept and furnished by Chief Court.

with such requisitions as may be made by the Governor-General of India in Council or by the Lieutenant-Governor for certified copies of or extracts from the records of the Court.

Copies of records to be furnished.

50. Save as is in this Act otherwise expressly declared, any function which is hereby directed to be performed by the Chief Court may be performed by any Judge or Judges thereof appointed in that behalf by any rule made under the forty-fourth Section.

Chief Court's functions exerciseable by single Judge.

51. Whenever the Lieutenant Governor of the Punjab shall, under the authority vested in him by Section forty-seven of the Pleaders, Mookhtars and Revenue Agents' Act, 1865, extend the provisions of the said Act to the Territories under his Government, nothing in the said Act shall affect the provisions of Sections ten, eleven and twelve of this Act.

Sections 11 and 12 not to be affected on extension to Punjab of Act XX of 1865.

52. This Act may be cited as "The Punjab Chief Court Act, 1865."

Short title.

53. This Act shall come into operation on such day as the Governor-General of India in Council shall fix by a notification published in the Gazette of India.

Commencement of Act.

WHITLEY STOKES,
Offg. Asst. Secy. to the Govt. of India,
Home Department (Legislative)

Printed and Published for the Government of India, by O. T. CUTTER, *at the Military Orphan Press.*

No. 18.

The Gazette of India.

Published by Authority.

SIMLA, SATURDAY, MAY 6, 1865.

HOME DEPARTMENT.

No. 67.

Simla, the 7th April 1865.

Notifications.—The Right Honorable the Governor General in Council is pleased to attach Messrs. G. J. B. T. Dalton and J. R. Hallett, of the Civil Service, reported qualified for the Public Service, to the Bengal Division of the Presidency of Fort William.

No. 68.

The 17th April 1865.

Messrs. F. P. Beachcroft, H. W. Gordon, A. Manson, J. W. Gardiner, S. S. Thorburn, and F. W. R. Fryer, Junior Civil Servants, having passed in two languages within the prescribed period after their arrival, have been presented each with the authorized donation of Rs. 800.

No. 69.

Mr. A. W. Stogdon, a Junior Civil Servant, having passed in two languages in four months, and with marked proficiency in Urdu, has been presented with the authorized donation of Rs. 800 and a gold medal of merit.

No. 70.

Captain G. F. Wells is appointed Master Attendant at Bassein from the 16th March 1865, on the afternoon of which date he received charge of the Office from Lieutenant T. W. Philbrick, late Indian Navy.

No. 29.

The 29th April 1865.

The following Notifications are issued in supersession of the Notification of the same number and date published in a *Gazette Extraordinary* dated the 27th April, and re-published in the ordinary *Gazette of India* of the 29th idem:—

No. 14S.

The 27th April 1865.

Notifications.—A vacancy having occurred in the office of an Ordinary Member of the Council of the Governor General by the resignation of the Honorable Henry Byng Harington, the Honorable George Noble Taylor, provisionally appointed by the Right Honorable the Secretary of State for India to be a Member of the said Council, and who has temporarily filled the office of an Ordinary Member of the Council of the Governor General from the 10th March last, has this day assumed the permanent office of a Member of the said Council in succession to the Honorable Mr. Harington, resigned.

A vacancy existing in the office of an Ordinary Member of the Council of the Governor General in consequence of the absence on leave of Lieutenant-General the Honorable Sir Robert Napier, K. C. B., and the Honorable George Noble Taylor who temporarily supplied that vacancy, having this day assumed the permanent office of an Ordinary Member of the said Council in succession to the Honorable Henry Byng Harington, resigned, His Excellency the Viceroy and Governor General of India in Council has been pleased, under the provisions of the Act XXIV. and XXV. Vic., Cap. 67, to appoint Colonel Henry Marion Durand, C. B., of Her Majesty's Military Service, to be a temporary Member of the Council of the Governor General of India, and the said Colonel Henry Marion Durand has accordingly this day taken the oaths and his seat in the said Council under the usual salute.

By Order of the Governor General in Council.

No. 71.

The 29th April 1865.

The Governor General in Council is pleased to grant to the Rev. J. Robinson, Chaplain of Chunar, a furlough for a period of eighteen months from the date on which he may avail himself thereof.

No. 72.

Lieutenant Q. S. A. Jamieson, 27th Regiment, Madras Native Infantry, appointed to officiate as Assistant Superintendent of Police, British Burmah, by Notification No. 1508, dated 15th February 1865, reported his arrival and assumed charge of his duties at Rangoon on the 27th March 1865.

No. 73.

The 2nd May 1865.

His Excellency the Governor General in Council is pleased to invest the undermentioned Officer, in the Central Provinces, with the powers of a Subordinate Magistrate of the 1st Class, described in Chapter II., Section 22 of Act XXV. of 1861 :—

Lieutenant A. Bloomfield, Assistant Commissioner, Wurdah District.

No. 74.

The 3rd May 1865.

Nehal Chund, Officiating Extra Assistant Commissioner of Chindwara, in the Central Provinces, is invested with the powers of a Subordinate Magistrate of the 1st Class, described in Chapter II., Section 22 of Act XXV. of 1861.

No. 75.

Lieutenant G. A. Strover, Officiating Deputy Commissioner, 4th Grade, and Magistrate of Akyab, is invested with the criminal powers referred to in Section 1 of Act XV. of 1862, to be exercised within that District.

No. 76.

Doctor James McDonald Houston is appointed to be an Honorary Magistrate, and is invested with the powers of a Subordinate Magistrate of the 1st Class, described in Section 22 of Act XXV. of 1861, to be exercised within the limits of the Upper Godavery District, Central Provinces.

No. 78.

Mr. Charles Gay is appointed Assistant Superintendent of Police, British Burmah, to be stationed in the town of Moulmein.

No. 79.

The 4th May 1865.

The Governor General in Council is pleased to permit Mr. H. G. Paynter to resign the Civil Service from the 5th March 1865.

No. 80.

The Governor General in Council is pleased to permit the Honorable H. B. Harington to resign the Civil Service from the 25th ultimo.

No. 81.

The services of Lieutenant W. Vertue, Officiating Assistant District Superintendent of Police, Central Provinces, are placed temporarily at the disposal of the Foreign Department.

No. 82.

Mr. J. Burton, Assistant District Superintendent of Police in Oudh, is appointed to officiate as District Superintendent at Oonao, during the absence on leave of Mr. R. C. A. Hamilton.

Mr. Burton received charge of the District on the forenoon of the 26th March.

E. C. Bayley,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

No. 151.

Judicial.

Simla, the 4th May 1865.

Notification.—His Excellency the Viceroy and Governor General in Council is pleased to direct that, in Notification No. 290, dated 6th September 1864, published at page 722 of the *Gazette of India*, the words—

"5. Commanding Officer, Cantonment, Jubbulpore."

"6. Cantonment Magistrate, Jubbulpore,"

shall be substituted for the words—

"5. Executive Engineer, Jubbulpore Division."

"6. District Superintendent of Police, Jubbulpore."

A. Colvin,
Offg. Under-Secy. to the Govt. of India.

No. 186.

Revenue.

The 4th May 1865.

Notification.—Mr. E. Butcher is appointed a Probationary Assistant Superintendent in the Mysore Revenue Survey.

No. 364.

Political.

The 4th May 1865.

Notification.—His Excellency the Governor General in Council is pleased to notify that the Chief of Myhere in Bundlecund, was installed in the management of his State on the 23rd March.

The Office of Superintendent of the Myhere State, in force during the minority of the Chief, was abolished on the 1st April.

W. Muir,
Secy. to the Govt. of India.

No. 918.

General.

The 29th April 1865.

Notifications.—Dr. A. A. Renton, Officiating Durbar Surgeon to His Highness the Maharajah of Mysore, has obtained privilege leave of absence for 14 days to proceed to the Neilgherry Hills, from the date he may avail himself of it.

A. Colvin,
Offg. Under-Secy. to the Govt. of India.

No. 920.

Captain E. Thompson, Deputy Commissioner of Seetapore in Oudh, is appointed to officiate as Commissioner of the Khyrabad Division, during the absence of Mr. Tucker on the privilege leave granted him in G. O. No. 517, dated 6th ultimo.

Lieutenant G. G. Young, Assistant Settlement Officer, will officiate as Settlement Officer of Seetapore in the room of Captain Thompson.

W. MUIR,
Secy. to the Govt. of India.

No. 932.

The 4th May 1865.

Mr. J. C. Colvin, Officiating Deputy Commissioner of Seetapore in Oudh, availed himself of the preparatory leave granted him in G. O. No. 632, dated 17th March 1865, and made over charge of his office to Mr. J. W. Quinton on the afternoon of the 18th April.

A. COLVIN,
Offg. Under-Secy. to the Govt. of India.

No. 934.

Lieutenant G. E Erskine, Assistant Commissioner, 3rd Grade, in Oudh, is appointed Assistant Settlement Officer, *vice* Mr. Lang, proceeded to Europe on furlough.

No. 936.

Mr. J. H. Beddy, Assistant Commissioner, Hoshungabad, Central Provinces, is appointed to officiate as Deputy Commissioner of the Hoshungabad District, as a temporary arrangement, from the date on which he may relieve Mr. A. C. Lyall.

No. 938.

Colonel A. Fytche, Commissioner of the Tenassarim Division, British Burmah, is granted one month's leave of absence to proceed to Calcutta, preparatory to applying for further leave to Europe on medical certificate.

The following promotions and changes are made in consequence :—

Lieutenant Colonel D. Brown, Deputy Commissioner, 2nd Grade, and Officiating Deputy Commissioner, 1st Grade, to officiate as Commissioner of the Tenassarim Division.

Mr. T. J. Fallon, Deputy Commissioner, 4th Grade, to officiate as Deputy Commissioner, 3rd Grade.

Mr. W. DeCourcy Ireland, Assistant Commissioner, 3rd Grade, to officiate as Deputy Commissioner, 4th Grade.

Major G. Faithfull, Deputy Commissioner, 1st Grade, Rangoon District, Pegu Division, is transferred to the Amherst District, Tenasserim Division.

Captain H. A. Browne, Deputy Commissioner, Officiating 3rd Grade, is transferred from the Myanoung District to the Rangoon District, Pegu Division.

Mr. W. DeCourcy Ireland, Officiating Deputy Commissioner, 4th Grade, to be in charge of the Myanoung District.

Mr. D. F. Lonsdale, Assistant Commissioner, 3rd Grade, to be Assistant Commissioner at Thayetmyo in the Prome District, and in charge of the Treasury, and to be *ex-officio* Collector of Customs in addition to his other duties.

These arrangements are to have effect from the date on which Colonel Fytche makes over charge of his office.

W. MUIR,
Secy. to the Govt. of India.

No. 940.

The services of the undermentioned Officers are placed at the disposal of the Punjab Government for employment in that Province :—

Lieutenant H. Gibson, Bombay Staff Corps.
" J. Ketchen, of the General List, Bombay Infantry.
" C. H. T. Marshall, 37th Bengal Native Infantry.
" F. G. Hearn, 17th Bengal Native Infantry.

No. 943.

The services of the undermentioned Officers are placed at the disposal of the Punjab Government for employment in that Province :—

Mr. F. W. R. Fryer, C. S.
" S. S. Thorburn, C. S.
" J. W. Gardiner, C. S.
" F. P. Beachcroft, C. S.
" A. W. Stogdon, C. S.

A. COLVIN,
Offg. Under-Secy. to the Govt. of India.

No. 946.

Pundit Bhaskur Rae, Officiating Extra Assistant Commissioner, in the Settlement Department in Oudh, is permanently appointed to that Department, *vice* Rae Guneshee Lall, retired on pension.

Neaz Ali, Tehsildar, is appointed to officiate as an Extra Assistant Commissioner in the Settlement Department, as a temporary arrangement, *vice* Pundit Bhaskur Rae.

W. MUIR,
Secy. to the Govt. of India.

No. 948.

Mr. E. G. Fraser, Civil Judge of Lucknow, has obtained privilege leave of absence for one month from the 18th April 1865.

Mr. Fraser made over charge of the current duties of his office to Mr. Lincoln, Assistant Civil Judge, on the evening of the 17th idem.

A. COLVIN,
Offg. Under-Secy. to the Govt. of India.

No. 950.

Mr. Joseph Lloyd is appointed to officiate as an Extra Assistant Commissioner in the Central Provinces.

W. MUIR,
Secy. to the Govt. of India.

No. 953.

Surgeon J. M. Lownds, in medical charge of the Rajpootana Agency, has obtained privilege leave of absence for two months from the 11th ultimo, or from the date on which he may avail himself of it.

No. 955.

Lieutenant J. Low, Assistant Commissioner of Oonao in Oudh, availed himself, on the evening of the 15th ultimo, of the 24 days' preparatory leave granted to him in G. O. No. 604, dated 16th March 1865.

A. COLVIN,
Offg. Under-Secy. to the Govt. of India.

No. 957.

Captain C. P. Hildebrand, Deputy Commissioner, 4th Grade, in British Burmah, is appointed to officiate as Deputy Commissioner of the 3rd Grade, with effect from 12th December 1864.

W. MUIR,
Secy. to the Govt. of India.

No. 959.

With reference to G. O. No. 515, dated 6th March, it is hereby notified that Extra Assistant Commissioner, 3rd Grade, (Myo-oke) Moung Tseing, stationed at Ok-Pho, Myanoung District, Pegu Division, whose suspension was notified in Government Notification No. 515, dated 6th March 1864, resumed charge of his office on the forenoon of the 11th March, from Officiating Extra Assistant Commissioner, 3rd Grade, (Myo-oke) Moung Phai.

No. 961.

Mr. J. Kavanagh, Assistant Superintendent of Settlement and Survey in Oudh, has obtained furlough to Europe for one year, under para. 12, Clause II. of the New Uncovenanted Service Absentee Rules, from the date of departure of the second P. and O. Company's Steamer in the current month, together with 17 days' preparatory leave to reach the port of embarkation.

Mr. K. M. Nicholson, Extra Assistant Commissioner of Settlement at Fyzabad, is appointed to officiate as Assistant Superintendent of Settlement and Survey during Mr. Kavanagh's absence.

No. 963.

Mr. A. Young, Officiating Deputy Commissioner of Durriabad in Oudh, returned from the leave of absence granted to him in G. O. No. 841, dated 11th April, and resumed charge of his duties on the morning of the 9th April.

A. COLVIN,
Offg. Under-Secy to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 28th April 1865.

No. 430 *of* 1865.—With reference to G. G. O. No. 393 of the 13th April 1865, the Right Hon'ble the Governor General in Council is pleased to direct that the troops composing the Dooar Field Force, and the Eastern Frontier Brigade, shall be formed into one Brigade under the Command of Brigadier General J. M. B. F. Tytler, C. B., from such date as that Officer may assume the Command of the Eastern Frontier Brigade from Brigadier General Mulcaster.

The 29th April 1865.

No. 431 *of* 1865.—His Excellency the Governor General in Council is pleased to make the following appointment :—

PUNJAB IRREGULAR FORCE.

1st Cavalry.

Lieutenant C. S. Maclean, 2nd in Command and Squadron Officer, to officiate as Commandant, during the absence, on sick leave to Europe, of Colonel W. T. Hughes, or until further orders.

The 1st May 1865.

No. 432 *of* 1865.—Assistant Apothecary Patrick James Coyne, of the Subordinate Medical Department, is dismissed from the Service.

No. 433 *of* 1865.—His Excellency the Governor General is pleased to make the following appointment :—

Veterinary Surgeon E. J. Batt, of His Excellency's Body Guard, to the Stud Department, to fill an existing vacancy, with effect from the date on which he quits the Body Guard.

No. 434 *of* 1865.—Captain (Brevet Major) H. A. Brownlow, of the Royal Engineers, Executive Engineer, Department Public Works, is allowed an extension of leave from the 10th to the 14th March 1865, the date on which he returned to Bengal from sick leave to Europe.

No. 435 *of* 1865.—Magazine Sergeant William Ware, having passed the prescribed examination, is appointed to officiate as Sub-Conductor in the Ordnance Department to fill an existing vacancy.

No. 436 *of* 1865.—G. O. No. 396 of the 13th April 1865, admitting Gunner John Sadler, of A. Battery, F. Brigade, Royal Horse Artillery, to pension, is cancelled.

No. 437 *of* 1865.—The undermentioned students of the Agra Medical College, having passed the prescribed examination, are admitted into the Service as Native Doctors, with effect from the 15th April 1865, and placed at the disposal of the Officiating Principal Inspector General, Medical Department :—

Mahur Allie.	Elahee Bux.
Mooneerood Deen.	Ausgur Allie.
Abdool Hakeem.	Sudrood Deen.

Moolchund.

No. 438 *of* 1865.—The undermentioned Officer is permitted to proceed to Europe, on leave of absence, on sick certificate :—

Lieutenant Alliston Champion Toker, of the Bengal Staff Corps, Doing-duty Officer, 18th Regiment, Native Infantry.	For fifteen months.

No. 439 *of* 1865.—The following alterations of rank are made, subject to Her Majesty's approval :—

Corps or Dept.	Rank and Names.	To rank from.	In whose room.
Medical Dept. ...	Surgeon Edward Taylor ...	11th July 1864	Surgeon Major E. Campbell, retired.
Ditto ...	Ditto Henry William Spry ...	7th Aug. 1864	Surgeon C. Stewart, M. D., deceased.
Ditto ...	Ditto Alfred James Dale, M. B. ...	26th Sept. 1864	Surgeon Major G. Paton, M. D., retired.
Ditto ...	Ditto Arthur Young ...	24th Oct. 1864	Surgeon Major J. Campbell, M. D., C. B., retired.

With reference to G. G. O. No. 78 of 1865, the undermentioned Surgeons, borne as supernumeraries pending the instructions of the Secretary of State, are hereby brought on the strength of the establishment, subject to Her Majesty's approval :—

Corps or Dept.	Rank and Names.	From what date.	In whose room.
Medical Dept. ...	Surgeon Benjamin Simpson, M. D., A. B.	1st Nov. 1864	Deputy Inspector General of Hospitals G. S. Mann, F. R. C. S., deceased.
Ditto ...	Ditto George Hickie Daly, M. D.	15th Nov. 1864	Surgeon Major A. Simpson, M. D., deceased.

No. 440 *of* 1865.—The undermentioned Officers have reported their departure on the dates specified opposite to their respective names :—

Lieutenant C. A. DeKantzow, of the Bengal Staff Corps, Assistant Commissioner, Punjab, on leave for twenty months, G. G. O. No. 407 of the 17th April 1865.	*Fleur-de-Lys*, 19th March 1865.
Major G. Weld, of the Bengal Staff Corps, Fort Adjutant, Chunar, on leave for twenty months, G. G. O. No. 322 of the 28th March 1865. Lieutenant O. Barnes, of the Bombay Staff Corps, 2nd Squadron Officer, 10th Bengal Cavalry, on leave for twenty months, G. G. O. No. 218 of the 2nd March 1865.	*Durham*, 8th April 1865.
Captain (Brevet Major) A. O. Wood, of the late 14th Regiment, Native Infantry, on leave for twenty months, G. G. O. No. 356 of the 4th April 1865.	*Marlborough*, 9th April 1865.
Captain H. D. Marsh, of Her Majesty's 82nd Foot, Brigade Major, Umballa, on leave for twenty months, G. G. O. No. 322 of the 28th March 1865. Surgeon C. T. Paske, of the Medical Department, on furlough for three years, G. G. O. No. 339 of the 31st March 1865. Ensign J. Baxter (unattached), Riding Master Lahore Light Horse, on leave for twenty months, G. G. O. No. 286 of the 17th March 1865.	*Marlborough*, 9th April 1865.
Lieutenant Colonel F. C. Maisey, of Infantry, Deputy Judge Advocate General, Army Head Quarters, on leave for twenty months, G. G. O. No. 368 of the 6th April 1865.	*Golconda*, 11th April 1865.

Major G. Swiney, of the Bengal Staff Corps, District Superintendent of Police, Allahabad, on leave for twenty months, G. G. O. No. 373 of the 7th April 1865.	*Golconda*, 11th April 1865.
Captain H. B. Chalmers, of the Bengal Staff Corps, Assistant Commissary General, on leave for twenty months, G. G. O. No. 366 of the 6th April 1865.	
Captain J. Sykes, of the Bengal Staff Corps, Sub-Assistant Commissary General, and Officiating Deputy Assistant Commissary General, on leave for fifteen months, G. G. O. No. 366 of the 6th April 1865.	
Captain W. W. Boddam, of the Bengal Staff Corps, District Superintendent of Police, Punjab, on leave for twenty months, G. G. O. No. 338 of the 31st March 1865.	
Lieutenant E. G. Newnham, of the General List, Infantry, Doing-duty Officer, 17th Bengal Cavalry, on leave to Europe on urgent private affairs for six months without pay, G. G. O. No. 355 of the 4th April 1865.	
Conductor J. H. Senior, of the Army Commissariat Department, on leave for twenty months, G. G. O. No. 369 of the 6th April 1865.	*Lady Melville*, 22nd April 1865.
Conductor J. Wilks, of the Army Commissariat Department, on leave for twenty months, G. G. O. No. 369 of the 6th April 1865.	

No. 441 *of* 1865.—*Errata.*—In the margin of G. G. O. No. 403 of 1865, for "General Order by the Governor General, dated 20th March 1857," read "General Order by the Governor General, dated 20th March 1851."

In G. G. O. No. 426 of 1865, for "*Sallee* Mahomed Khan," read "*Salle* Mahomed Khan."

Order Books to be corrected accordingly.

No. 442 *of* 1865.—The services of Lieutenant H. A. Pakenham, of the late 55th Regiment, Native Infantry, are placed temporarily at the disposal of the Government of Bengal.

No. 443 *of* 1865.—The following order, issued by the Government of Bombay, is confirmed :—

No. 206, *dated* 5*th April* 1865.—Granting leave of absence to Europe, on medical certificate, to the undermentioned Officers :—

Major C. H. Byers, of the Bengal Staff Corps, 2nd in Command and Wing Officer, 3rd Regiment, Native Infantry.	For twenty months.
Lieutenant G. N. Money, of the Bengal Staff Corps, Wing Officer, 3rd Punjab Infantry.	For twenty months.

No. 444 *of* 1865.—The undermentioned Officer is admitted to the Bengal Staff Corps, with effect from the date specified opposite to his name, subject to the confirmation of the Right Hon'ble the Secretary of State for India :—

Lieutenant John Butler, of the General List, Infantry, Doing-duty Officer, 13th Regiment, Native Infantry.	7th June 1864.

No. 445 *of* 1865.—The undermentioned Officer is permitted to proceed to Europe, on leave of absence, on sick certificate :—

Lieutenant Irvine Low, of the late 5th European Light Cavalry, Assistant Commissioner, Oudh.	For twenty months, under the new Regulations.

The 2nd May 1865.

No. 446 *of* 1865.—The services of Assistant Surgeon R. W. Cunningham, M. D., attached to the 14th *(The Ferozepore)* Regiment, Native Infantry, are placed at the disposal of the Foreign Department.

No. 447 *of* 1865.—The services of Assistant Surgeon D. B. Smith, M. D., in medical charge of Mussoorie, are placed at the disposal of the Government of Bengal for appointment to officiate as Superintendent General of Vaccination, and Professor of Midwifery, Medical College, from the date on which he assumed charge of the duties of the office.

No. 448 *of* 1865.—The services of Assistant Surgeon J. G. French, M. D., being no longer required with the Dooar Field Force, are re-placed at the disposal of the Government of Bengal for re-appointment as Civil Assistant Surgeon of Mymensing.

No. 449 *of* 1865.—The undermentioned students of the Lahore Medical College, having passed the prescribed examination, are admitted into the Service as Native Doctors, with effect from the 20th April 1865, and placed at the disposal of the Officiating Principal Inspector General, Medical Department :—

Esur Dass.	Asmat Allee.
Deya Ram.	Peer Buksh 3rd.
Shaik Abdoollah.	Allahyar Khan.
Peer Buksh 2nd.	Mosuddee Mul.

No. 450 *of* 1865.—The following promotions are made in the undermentioned Corps of the Native Army :—

Corps.	Rank and Names.	To what rank promoted.	From what date.	In whose room.
13th Bengal Cavalry	Kote Duffadar Golam Hossein Khan	Jemadar...	6th Feb. 1864	Naib Ressaldar Golam Mijoodeen, discharged.
Ditto ...	Duffadar Chuttur Sing	Ditto ...	1st Jan. 1865	Naib Ressaldar Ahmud Meer Khan, invalided.

No. 451 *of* 1865.—His Excellency the Governor General in Council is pleased to make the following appointment :—

HYDERABAD CONTINGENT.

1st Infantry.

Captain T. T. Turton, Madras Staff Corps, late Officiating Commandant, 6th Infantry Hyderabad Contingent, to officiate as 2nd in Command, during the absence on sick leave to Europe of Captain Teed, or until further orders.

The 4th May 1865.

No. 452 *of* 1865.—The following promotions are made in the Warrant Grades :—

Ordnance Commissariat Department.

Supernumerary Conductor James Forbes, employed in the Percussion Cap Manufactory, Dum-Dum, to be a Supernumerary Deputy Assistant Commissary from the 9th April 1865.

Conductor John Charles Palphreyman (1st Class Permanent Conductor), to be a Deputy Assistant Commissary from the 9th April 1865, in room of Stoney, transferred to the Pension Establishment.

Sub-Conductor (Officiating Conductor) James Hand, to be Conductor from the 9th April, *vice* Palphreyman, promoted.

Sub-Conductor George Kirby to officiate as Conductor, *vice* Hand, from the 9th April, and in room of Wilkins, absent on furlough.

No. 453 *of* 1865.—The following revised detail of organization of a Heavy Field Battery is to be substituted for that published in G. G. O. No. 568 of the 28th June 1863 :—

	Ordnance.				Carriages.						European and Native Establishments.											Artificers.							Cattle.			
Number of Rounds.	18-Pounder Siege Gun with Dispart sight and Tangent scale.	8-inch Howitzer N. P., with Trunnions of enlarged diameter.	8-inch Mortar with N. P. beds of 8 cwt.	5½-inch Mortar with beds without Truck wheels.	18-Pounder Gun with limber and siege handspikes in lieu of O. P. elevating screw.	8-inch Howitzer with limber 4 handspikes, elevating screw.	Carts, Platform N. P. for 8-inch Mortar.	Carts, Platform for two 5½-inch Mortars.	Waggons, Ammunition N. P.	Carts, Artificers.	Cattle Sergeants.	Jemadar Mahouts.	Mahouts.	Coolies.	Jemadar Drivers.	Sirdar Drivers.	Drivers.	Syces.	Grass-cutters.	Bheesties.	Sweepers.	Mistrie smith.	Filemen.	Firemen.	Hammermen.	Mistrie Carpenter.	Carpenters.	Moochees.	Elephants.	Horses.	Bullocks.	REMARKS.
203 Rounds for each 18-Pounder. 116 " " the Howitzer. 100 " " each 8-inch Mortar. 100 " " each 5½-inch Mortar.	2	1	2	2	2	2	2	1	24	3	1	1	9	9	1	6	145	5	5	8	1	1	2	2	2	1	2	2	9	5	290	*Elephants.* 3 to each 18-Pounder Gun and 8-inch Howitzer. *Horses.* 1 Sergeant Major. 1 Quarter Master Sergeant. 1 Cattle Sergeant. 2 Buglers. *Bullocks.* 2 18-Pounders at 10 pairs each ... ... 40 1 8-inch Howitzer at 8 pairs 16 2 8-inch Mortars at 3 pairs each ... . 12 2 5½-inch Mortars at 3 pairs 6 1 spare Howitzer Carriage 6 pairs ... . . 12 27 Ammunition Waggons and Carts at 3 pairs ... 162 248 Spare 1-6th 42 290

No. 454 *of* 1865.—The following promotions are made in the undermentioned Corps of the Native Army :—

Corps.	Rank and Names.	To what rank promoted.	From what date.	In whose room.
28th Regt., N. I. ...	Havildar Ellahee Bux	Jemadar...	27th Dec. 1864	Lainai Khan, deceased.
37th (the Meerut) Regt., N. I. ...	Ditto Mahib Sing...	Ditto ...	28th March 1865	Soorajpal Sing, dismissed, and to complete the establishment.
42nd (the Assam) Light Infy. ...	Jemadar Narrain Dutt Misser	Subadar...	1st May 1864	Isur Dutt, invalided.
Ditto ...	Havildar Shaick Gholam Ally	Jemadar...	Ditto	Narrain Dutt Misser, promoted.

The 5th May 1865.

No. 455 *of* 1865.—The following Extracts from the *London Gazettes* of the 3rd and 14th March 1865, are published for general information :—

WAR OFFICE;
Pall Mall, the 3rd March 1865.

Brevet.

Deputy Commissary John Brooke, Public Works Department, Bengal, to have the honorary rank of Lieutenant, dated 3rd March 1865.

The undermentioned promotions to take place consequent on the decease of Lieutenant-General Richard Powney, Royal (late Bengal) Artillery, on 23rd January 1865 :—

Major-General George Conran, Royal (late Madras) Artillery, to be Lieutenant-General, dated 24th January 1865.

Colonel Charles Samuel Reid, Royal (late Bengal) Artillery, to be Major-General, dated 24th January 1865.

WAR OFFICE;
Pall Mall, the 14th March 1865.

Brevet.

Captain Thomas Henry Salt, Royal (late Bengal) Artillery, to be Major, dated 5th August 1864.

The undermentioned Officers having completed the qualifying service in the rank of Lieutenant-Colonel, to be Colonels under the Royal Warrant of 14th October 1858 :—

Lieutenant-Colonel Joseph Lyon Barrow, Royal (late Madras) Artillery, dated 8th July 1864.

Lieutenant-Colonel John Desbrisay Mein, Royal (late Madras) Artillery, dated 8th July 1864.

No. 456 *of* 1865.—The following Military letter from the Right Hon'ble the Secretary of State for India, No. 91 of the 24th March 1865, is published for general information :—

MILITARY. INDIA OFFICE;
No. 91. *London, the 24th March* 1865.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,—The Military letter from your Government, dated 21st January, No. 36, submits two questions with regard to the retirement of Medical Officers, arising out of the late alterations with respect to the Medical Service. With regard to the first, it appears to you that all service on the full pay of the appointment in the case of Inspectors and Deputy Inspectors General of Hospitals, should reckon towards the 5 years' service in those grades qualifying for the additional pension; and that the aggregate period of "service in India," noted in para. 35 of my Despatch dated 7th November last, No. 36, is to include the periods of leave hitherto allowed to reckon under the new furlough rules as service for pension.

2. This is quite in accordance with the intentions of Her Majesty's Government.

3. With regard to the second point, you apprehend that the six months' leave on medical certificate, referred to in para. 38 of my Despatch, applies only the tenure of the appointments of Inspector General and Deputy Inspector General, and not to the time of pension under para. 35.

4. This view is also quite correct; the tenure of appointment referred to being that which is to entitle Officers of these grades to the additional pensions after five years' active employment in India.

I have, &c.,
(Signed) C. WOOD.

H. K. BURNE, *Lieut.-Col.,*
Offg. Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

No. 80.

Simla, the 5th May 1865.

Appointments.—Captain J. F. Wells to be Collector of Customs at Bassein, from the 16th March 1865, on the afternoon of which date he received charge of the office from Lieutenant T. W. Philbrick, late Indian Navy, who has been transferred to another appointment at his own request.

Mr. T. A. Martin to be Collector of Customs of the Kowtoh Division of the Customs line in the Central Provinces.

Mr. K. McKenzie to officiate as Chief Assistant in the Office of the Civil Pay Master, Punjab, with retrospective effect from 3rd November 1864.

Leave of Absence.—Mr. C. R. Kiernander, Chief Assistant in Charge of the Office of Deputy Auditor and Accountant General, British Burmah, having quitted Rangoon on privilege leave with the sanction of the Chief Commissioner, British Burmah, is allowed one month's privilege leave in lieu of the leave on urgent private affairs, which was granted to him on 6th April 1865.

E. H. LUSHINGTON,
Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

No. 144.

ESTABLISHMENT.

Simla, the 1st May 1865.

Notifications.—The undermentioned Upper Subordinates of the Public Works Establishment, Punjab, are transferred to the Provinces specified:—

To Mysore.

Sergeant J. S. Robinson, Supervisor, 2nd Grade.
Mr. J. Page, Supervisor, 1st Grade.

To Rajpootana.

Sergeant J. Hurst, Overseer, 1st Grade.

No. 145.

Mr. H. F. White, Civil Divisional Engineer of Goruckpore, passed on the 3rd April 1865 the First or Lower Standard in Hindoostanee, prescribed by G. O. of the 9th September 1864.

No. 146.

Mr. A. Penny, Civil Divisional Engineer, Fyzabad, Oudh, passed the examination in Hindoostanee on 26th January 1865.

No. 147.

Mr. S. Simpson is appointed to the Public Works Accounts Department on probation as an Accountant of the 4th Grade, and posted to the Central Office of Accounts in Oudh, with effect from the 1st March 1865, in room of Mr. Chill, resigned.

No. 148.

Mr. J. W. Wilson, Accountant, 4th Grade Oudh, was granted one month's privilege leave from the 6th April 1865.

No. 149.

Lieutenant-Colonel C. W. Hutchinson, R. E., assumed charge of the office of Officiating Chief Engineer, and Secretary to the Chief Commissioner, Public Works Department, Oudh, on the afternoon of the 6th April 1865.

No. 150.

The following transfers of Assistant Engineers of the Public Works Department, Oudh, are notified:—

Mr. H. Adams, Assistant Engineer, 2nd Grade, from the 1st to the 2nd Oudh Road Division.

Mr. H. W. Hughes, Assistant Engineer, 3rd Grade, from the Seetapore to the Lucknow Division.

No. 151.

Mr. J. H. McRae, Officiating Executive Engineer, Seetapore Division, Oudh, is allowed leave preparatory to furlough from the 1st to the 23rd May 1865, to enable him to proceed to and embark at Calcutta.

No. 152.

Sergeant S. G. Walshe, Overseer, 2nd Grade, is transferred from Oudh to the Rajpootana Circle of Public Works. This cancels Notification No. 130 of 5th April 1865, transferring Mr. J. L. Hughes, Supervisor, 2nd Grade, to Rajpootana.

C. H. DICKENS, *Lieut.-Col.*, R. A.
Secy. to the Govt. of India.

Orders by the Vice-Chancellor and Syndicate of the Calcutta University.

Mr. J. Sutcliffe is appointed Registrar of the University from the 1st proximo.

J. SUTCLIFFE, M. A.
The 15th April 1865. *Offg. Registrar.*

Statement of Government Promissory Notes enfaced for payment of interest in London, shewing the total amount outstanding according to the Registers received in this office up to 21st April 1865.

	4 per cent. Transfer of 1865.	4 per cent. Transfer of 1824-25.	4 per cent. of 1828-29.	4 per cent. of 1832-33.	4 per cent. of 1835-36.	4 per cent. of 1842-43.	4 per cent. of 1854-55.	5 per cent., Public Works, of 1854-55.	5 per cent. of 1856-57.	5½ per cent. of 1859-60.	3½ per cent. of 1853-54.	4½ per cent. of 1856-57.	Total Rupees.
Amount brought forward from Statement dated 12th April 1865	... ...	53,000	300	25,17,500	23,12,000	96,22,200	66,68,200	33,21,800	4,84,48,900	2,49,44,300	17,600	16,000	9,79,21,800
Add—													
Amount enfaced at Madras, as per Registers received up to date	... ...	... ...	... ...	... ..	... ...	8,000	1,500	... ...	46,700	20,000	... ...	... ...	76,200
Amount enfaced at Bombay, as per ditto ditto ditto	... ...	... ...	... ...	... ...	1,100	4,500	1,000	14,000	58,000	1,28,000	... ...	... ...	2,06,600
Amount enfaced at Calcutta up to date	8,100	... ...	... ...	... ...	21,900	27,900	500	... ...	1,31,200	1,35,500	... ...	... ...	3,25,100
Total ...	8,100	53,000	300	25,17,500	23,35,000	96,62,600	66,71,200	33,35,800	4,86,84,800	2,52,27,800	17,600	16,000	9,85,29,700
Deduct—													
Amount removed from the London Books, as per Registers received up to date	... ...	... ...	... ...	10,600	... ...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	10,600
Total ...	8,100	53,000	300	25,06,900	23,35,000	96,62,600	66,71,200	33,35,800	4,86,84,800	2,52,27,800	17,600	16,000	9,85,19,100

Fort William,
Loan Office;
The 25th April 1865.

R. P. Harrison,
Acctt. Genl. to the Govt. of India.

ADVERTISEMENTS.

TO BE SOLD

By the Registrar of the High Court in its Ordinary Original Jurisdiction, on an early day, of which Notice will hereafter be given, pursuant to an order of the said Court made in the matter of the Estate of Henry James Algeo, and Emma Louisa, his wife, against Charles Swinton Hogg, Esq., Administrator General of Bengal, and the Executor to the Estate of Louisa Ephraim Barford, deceased; dated 21st day of August 1863, the following property, *viz* :—

Lot No. 1.—All that the whole of the Government resumed lands, Touzee No. 507; situate in the village of Hazeegunge in the district of Purneah in the Province of Bengal, said to contain 272 biggahs, more or less, and paying an annual Government Revenue of Rupees 34.

Lot No. 2.—All that the Government resumed lands situate in the village of Murtuzapore, Pergunnah Havellee, in the district of Purneah in the Province of Bengal, said to contain 795 biggahs, more or less, and paying an annual Government Revenue of Rupees 80.

A. Carapiet, *Attorney.*

High Court, &c.,
Registrar's Office;
The 22nd April 1865.

C. T. Davis,
Chief Clerk.

NOTICE.

SALE OF WASTE LANDS.

District of Saugor,—Central Provinces.

Notice is hereby given that the undermentioned Lot of Government Waste Land, which has been applied for by Mr. Jones, Collector of Customs, under the Notification by Government of India in the Foreign Department, No. 158, dated 7th July 1863, will be put up to Auction Sale at the upset price of (Rs. 2-8) Rupees two and Annas eight an acre, and sold to the highest bidder on the 20th May 1865, at the office of the Deputy Commissioner of Zillah Saugor, should no such objection be preferred as to render it necessary to defer the sale under the provisions of Act XXIII. of 1863. The sale will be made in the manner, and subject to the conditions, prescribed by the Government Notification and by the Act above cited :—

Estimated Area	Situation.	Boundaries.
No. 1. 849 Acres of Mowjah Sullya.	Sullya Purgunnah Dhamonee Tehseel, Bunda.	On the north, by Mowjahs Burkhere, Bamore, and Sabinpoor; on the south, by Mowjahs Dhamonee, Talpoor, and Kulroho; on the east, by Mowjah Isakpoor; on the west, by Mowjahs Sasser and Sago.

J. N. H. Maclean,
Deputy Commissioner.

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Estimated Area.	Situation.	Boundaries.
No. 1. 619 Acres of Mowjah Luchee-poora.	Luchee-poora Purgunnah, Dhamonee Tehseel, Bunda.	On the east, by Mowjah Mulkho; on the south, by Mowjah Pathamya, on the south-west, by Mowjahs Kunera and Bichpore; on the west, by Kalruho; and on the north, by Talpoor and Badshahpoor.
No. 2. 1,450 Acres of Mowjah Lullun-pore.	Lullunpore Purgunnah, Dhamonee Tehseel, Bunda.	On the north-east, by Bhagwan, Ellaqna Shahgurh, south by Dhamonee Khas, and Isakpore; south-west, by Sullea Kullan; north-west, by Bumboree; and north, by Chanee.

J. N. H. Maclean,
Deputy Commissioner.

PRELIMINARY ANNOUNCEMENT.

Important Indigo Factories for Sale.

To be sold by Public Auction on or about the 20th instant (unless previously disposed of by private contract)—

By order of the Mortgagees,

The well-known Indigo Factories called the Allumchund Concern, at Allahabad, with valuable Talook property attached thereto and Koontee crop now in the ground;

also,

The Koorsun Factory, Allahabad, with Koontee crop, both lately the property of N. Flouest, Esq., deceased. Further particulars and conditions of sale will be published, and in the mean while applications to be made to Messrs. W. Moran and Co., Old Mint Mart, Calcutta, and Messrs. Barrow, Sen, and Watson, Old Post Office Street, Calcutta.

Printed and Published for the Government of India by J. L Kingham, *at the Government Press, Simla.*

APPENDIX TO

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, MAY 6, 1865.

Home Department.

LEGISLATIVE.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 17th April 1865, and is hereby promulgated for general information :—

ACT No. XXII OF 1865.

An Act to amend Act No. XVIII of 1864, (to provide for the appointment of a Municipal Committee for the City of Lucknow).

Preamble.

Whereas it is expedient to amend Act No. XVIII of 1864 (to provide for the appointment of a Municipal Committee for the City of Lucknow); It is enacted as follows :—

Act XVIII of 1864, Section 21, repealed.

1. Section twenty-one of the said Act No. XVIII of 1864 is hereby repealed, and the following Section shall be read in lieu thereof.

Power to Governor General in Council to extend Act XVIII of 1864.

2. It shall be lawful for the Governor-General of India in Council, by Order published in the Gazette of India, to extend the said Act to any place under the immediate administration of the Government of India; and when so extended, it shall have effect in such place as if the name of such place were substituted throughout the said Act for the name "Lucknow." The Governor General of India in Council shall by such Order declare how many persons shall be members, and what and how many persons shall be *ex-officio* members, of the Committee to be constituted in the place to which the said Act shall have been so extended: Provided that the number of such *ex-officio* members shall not be more than one-third of the number of all the members of such Committee.

This Act to be construed with Act XVIII of 1864.

3. This Act shall be read and taken as part of the said Act No. XVIII of 1864.

WHITLEY STOKES,
Offg. Asst. Secy. to the Govt. of India,
Home Department (Legislative.)

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 17th April 1865, and is hereby promulgated for general information :—

ACT No. XXIII OF 1865.

An Act to amend the constitution of the Chief Court of Judicature in the Punjab and its Dependencies.

Preamble.

Whereas it is expedient to amend the constitution of the Court of the Judicial Commissioner of the Punjab and its Dependencies, and to invest the Judges of the Court constituted under this Act with an original jurisdiction for the trial of certain Civil and Criminal cases; It is enacted as follows :—

Interpretation of terms.

1. In this Act, unless there be something repugnant in the subject or context—

"Punjab."

"Punjab" means the Territories for the time being under the Government of the Lieutenant-Governor of the Punjab and its Dependencies.

"Lieutenant-Governor."

"Lieutenant-Governor" means the Lieutenant-Governor for the time being of the Punjab.

"Chief Court."

"Chief Court" means the Chief Court of the Punjab constituted under this Act.

"Judge," "Registrar."

"Judge," "Registrar" and other words denoting any particular Officer respectively include any person for the time being authorized to act as such Judge, Registrar or other Officer.

"Magistrate."

"Magistrate" denotes any person exercising any of the powers of a Magistrate as defined in the Code of Criminal Procedure.

"Barrister."

"Barrister" includes Barristers of England or Ireland, and Members of the Faculty of Advocates in Scotland.

"Section."

"Section" denotes a Section of this Act.

Number.

Words in the singular include the plural: words in the plural include the singular.

Gender.

Words importing the masculine gender include females.

Constitution of Chief Court.

2. The Court constituted under this Act shall be styled the Chief Court of the Punjab, and shall consist of two or more Judges, who shall be appointed by the Governor-General of India in Council, and of whom one at least shall always be a Barrister of not less than five years' standing: Provided that the person who at the time of the constitution of the Chief Court shall be the Judicial Commissioner of the Punjab, shall become a Judge of such Court without further appointment for that purpose.

Precedence of Judges of Chief Court.

3. The Judges of the Chief Court shall have rank and precedence in the Court according to the seniority of their appointments as such Judges.

Tenure of office of Judges of Chief Court.

4. The Judges of the Chief Court shall hold their offices during the pleasure of the Governor-General of India in Council.

Declaration to be made by persons appointed Judges of Chief Court.

5. Previously to entering on the execution of the duties of his office, every Judge appointed under this Act shall make or subscribe the following declaration before the Lieutenant-Governor or such authority or person as he may commission to receive the same:—

"I, A. B., appointed Judge of the Chief Court of the Punjab, do solemnly declare that I will faithfully perform the duties of my office to the best of my ability, knowledge, and judgment."

Appointment of Registrar.

6. The Judges of the Chief Court with the sanction of the Lieutenant-Governor may, from time or time, appoint a person to be the Registrar of the said Court. The Registrar shall be the principal Ministerial Officer of the Court, and shall have such powers, and perform such duties, as shall be given and assigned to him by the Court by any rule duly made by the Court under the forty-fourth Section.

Appointment and removal of Ministerial Officers.

7. The Judges of the Chief Court may, from time to time, and subject to any rules and restrictions which may be prescribed by the Governor-General of India in Council, appoint a Deputy Registrar and such and so many Clerks and other Ministerial Officers as shall be found necessary for the administration of justice by such Court, and the due execution of the powers and authorities given to it by this Act.

Dismissal of Officers of Court.

8. Every Officer appointed under either of the last two preceding Sections shall be liable to dismissal by order of the Chief Court: Provided that neither the Registrar nor Deputy Registrar shall be removed from office without the sanction of the Lieutenant-Governor.

Seal of Chief Court.

9. The Chief Court shall have, and use as occasion may require, a Seal with this inscription "The Seal of the Chief Court of the Punjab," to be made under the directions of the Lieutenant-Governor; and all summonses, decrees and other process issuing out of the Court shall be stamped with such Seal, and signed by a Judge or the Registrar or Deputy Registrar of the Court.

Processes to be sealed with Court Seal, and signed by Judge or Registrar.

Agent for Secretary of State, suitors and Advocates, &c., of High Courts may appear and plead.

10. Any person duly authorized by the Secretary of State for India in Council to appear, plead or act on his behalf; (2) any suitor appearing, pleading or acting on his own behalf or on behalf of a co-suitor; (3) any person who, for the time being, is an Advocate, Vakeel or Attorney-at-law of any of the High Courts of Judicature in India or of the Sudder Court of the North-Western Provinces,—shall be permitted to appear and act as the Pleader of any suitor in the Chief Court in any suit or touching any matter whatever.

Licensing of Pleaders.

Save as aforesaid, no person shall be permitted to appear or act as the Pleader of any suitor in the Chief Court in any suit, or touching any matter whatever, unless such person shall have been previously licensed by the Court to act for the suitors of such Court generally, or specially for the particular occasion.

Rules regarding their qualifications and admission.

It shall be lawful for the Judges to make Rules for the qualifications and admission of proper persons to act as Pleaders in the Court.

Power to suspend or revoke Pleaders' license.

11. The Chief Court may for sufficient reason revoke any license which the Court shall at any time grant to any person to act generally or specially as a Pleader under this Act, and may for sufficient reason suspend any person whatsoever from appearing or acting as a Pleader in any suit, or touching any matter.

Fees of Pleaders to be subject to control.

12. The fees to be received by any Pleader, other than an Advocate of a High Court, shall be subject to the order and control of the Court, and no fees shall be recoverable by any such Pleader except such fees as shall be allowed under the forty-fourth Section.

The Chief Court to be the ultimate Court of Appeal from the Civil and Criminal Courts in the Punjab.

13. The Chief Court shall be the highest Court of Appeal from the Civil and Criminal Courts in the Punjab, and shall (subject to the provision hereinafter contained) be the only Court exercising appellate jurisdiction in such cases (whether relating to the title or succession to land or to the possession or any right in respect of land or otherwise) as are subject to appeal to the highest Civil and Criminal Court in the Punjab, by virtue of any law or practice now in force, or as shall become subject to appeal to the Chief Court by virtue of any law hereafter made by the Governor-General of India in Council. Provided

that when a settlement of Land Revenue shall be in progress, and the Local Government, under Act No. XIX of 1865 *(to define the jurisdiction of the Courts of Judicature of the Punjab and its Dependencies)* shall have invested the Financial Commissioner of the Punjab with the power of a Court of final appeal in any class of suits regarding land, or the rent revenue or produce of land, the jurisdiction of the Chief Court shall, so far as regards such class of suits, be barred during the continuance of the power with which such Commissioner shall have been so invested.

Extraordinary original Civil jurisdiction.

14. The Chief Court may remove and try and determine as a Court of original jurisdiction any suit being or falling within the jurisdiction of any Court subject to its superintendence when the Chief Court shall think proper to do so, either on the agreement of the parties to that effect, or for purposes of justice.

Power to transfer suits and appeals from one subordinate Court to another.

15. The Chief Court may withdraw any suit or appeal from any Court subject to its superintendence other than a Court of Small Causes or a Court of a Cantonment Magistrate, and refer such suit or appeal for trial to any other subordinate Court competent in respect of the value or amount of the suit to try the same.

Power to call for record of cases decided by subordinate Courts.

16. The Chief Court may call for the record of any case decided by any Court of Small Causes, or on appeal by any Court subject to its superintendence in which no appeal shall lie to the Chief Court, if such Court of Small Causes or subordinate Court in hearing the appeal shall appear to have exercised a jurisdiction not vested in it by law.

Special appeal from Courts in Punjab to lie only to Chief Court.

17. All special appeals preferred after the date on which the Chief Court is established, from the decrees of Civil Courts of whatever grade in the Punjab, shall lie to and shall be heard by the Chief Court only, and not by any other Court.

Regulation of proceedings in Civil suits.

18. Save as in this Act is otherwise provided, the proceedings in the Chief Court in Civil suits of every description between party and party shall be regulated by the Rules relating to Civil Procedure for the time being in force in the Punjab.

In exercise of Civil jurisdiction, law of the local Courts to apply.

19. In the exercise of its Civil jurisdiction, Original as well as Appellate, such Rules of law or equity and good conscience shall (until otherwise provided) be applied by the Chief Court in each case coming before it, as would have been applicable to such case by any local Court having jurisdiction therein.

Power to try European British subjects.

20. The Chief Court shall have power, as a Court of original jurisdiction, to try European British subjects committed to it for trial; and from the date on which this Act shall come into operation, no commitment of a European British subject for trial by a High Court of Judicature, shall be made by any Court or Officer in the Punjab; but every commitment which, if this Act had not been passed, could have been made to a High Court, shall be made to the Chief Court. Whenever any such European British subject shall be committed or bailed for trial before the Chief Court, the Chief Court shall direct at what place within the limits of its jurisdiction the trial shall be held.

Charge to be delivered to Registrar with commitment of European British subject.

21. Any Justice of the Peace or Magistrate who shall commit to custody or hold to bail any European British subject for trial before the Chief Court, shall, together with the record of the preliminary enquiry and all recognizances and other documents and any weapon or article of property connected with the case, deliver to the Registrar of the Chief Court a written instrument of charge signed by him, stating for what offence such European British subject is so committed or held to bail.

Chief Court to consider, and, if it will, to amend, alter or add to the charge.

Charge with amendments, alterations or additons (if any) to be recorded.

22. The Chief Court shall consider the charge, and may, if it appear necessary or expedient so to do, amend, alter or add to the same. The charge, with such amendments, alterations or additions, if any, shall be recorded in the Chief Court, and the person charged shall be entitled to have a copy of such charge with such amendments, alterations or additions (if any) gratis.

Accused to have copies of examinations.

23. The person charged shall also, if he demands them at a reasonable time before the trial, be furnished with copies of the depositions of the witnesses upon whose depositions he has been so committed or held to bail, on payment of a reasonable sum for the same, not exceeding one anna for each folio of ninety words.

Effect of charge.

24. Upon charges recorded as aforesaid, persons committed to custody or held to bail shall be deemed to have been brought before the Chief Court in due course of law, and (subject to the provisions contained in the Code of Criminal Procedure as to the amendment and alteration of charges, and subject also to the provisions of the next following Section) shall be tried upon the charges so recorded.

Chief Court may order an unsustainable charge not to be proceeded with.

Effect of such order.

25. When any such charge shall have been recorded in the Chief Court as aforesaid, and shall at any time before the commencement of the trial of the person charged, appear to the Chief Court to be clearly unsustainable, an entry to that effect may be made on the charge by a Judge of the Court. Such entry shall have the effect of staying proceedings upon the charge, but shall not operate as an acquittal of the person charged unless and until three years from the time of making the entry shall have elapsed, at the expiration of which period, if no

fresh charge have been brought on the same matter, he shall be considered as having been acquit-

Places of holding sittings.

26. The Chief Court shall ordinarily hold its sittings at the seat of Government of the Punjab: but it may from time to time, with the approval of the Lieutenant-Governor, hold sittings at such other places in the Punjab as shall seem convenient. Due notice shall be given beforehand in the Official Gazette of all sittings intended to be held for the trial of cases in the exercise of the original Criminal jurisdiction of the Court.

Procedure pending directions of Chief Court as to place of trial of European British subject.

27. Pending the directions of the Chief Court as to the place of trial, every such European British subject as is referred to in the twenty-first Section shall (if not out on bail) be committed by the Justice of the Peace or Magistrate for intermediate custody to the nearest Criminal jail in which he can be most conveniently confined. If the trial shall be directed to be held at the usual place of sitting of the Court, the Justice of the Peace or Magistrate shall bind over the person charged to appear and take his trial at such usual place of sitting, or shall commit him to the jail at such place. If the Chief Court shall direct that the person charged be tried elsewhere than at its usual place of sitting, the Justice of the Peace or Magistrate shall bind him over to appear and take his trial at the place directed, or shall, if necessary, cause him to be removed to the Criminal jail of or nearest to the place at which he is directed to be tried; and the Officer in charge of such Criminal jail shall keep him in safe custody until discharged in due course of law.

Chief Court may order European British subjects committed in certain Districts in certain seasons of the year to be tried at a particular place and confined in a particular jail.

28. It shall be lawful for the Chief Court to direct that all European British subjects committed or bailed for trial within certain specified Districts or during certain specified periods of the year, shall be tried at the usual place of sitting of the Court, or to direct that they shall be tried at a particular place named, and also to order that such European British subjects shall, if not bailed, be committed for intermediate custody to a particular jail, being one of the jails appointed by the Government for the reception of such prisoners.

Trials under Section 20 to be by Jury.

29. All trials under the twentieth Section shall be by Jury.

Summoning of Jurors to serve on trials.

30. Whenever the Chief Court shall have given notice of its intention to hold sittings at any place (whether at the seat of Government of the Punjab or otherwise) for the exercise of its original Criminal jurisdiction, the Court of Session at such place shall take and cause to be taken the measures prescribed by Sections three hundred and thirty-six to three hundred and forty, both inclusive, of the Code of Criminal Procedure for the summoning of Jurors; and in addition to the persons so summoned as Jurors, the said Court of Session shall,

Military men not exempt.

if it shall think needful, after communication with the Commanding Officer, cause to be summoned such number of Commissioned and Non-Commissioned Officers in the Military service resident with ten miles of its place of sitting as the Court shall consider to be necessary to make up the Juries required for the trial of European British subjects charged with offences before the Chief Court as aforesaid. All Commissioned and Non-Commissioned Officers so summoned shall be liable to serve on such Juries notwithstanding anything contained in the Code of Criminal Procedure, but no Commissioned or Non-Commissioned Officer shall be summoned whom his Commanding Officer shall desire to have excused on the ground of urgent Military duty or for any other special Military reason. The Juries for the trial of European British subjects as aforesaid shall be formed in the manner required by the Code of Criminal Procedure and by this Act from the persons summoned under the said Sections of the Code of Criminal Procedure, and from the Commissioned and Non-Commissioned Officers summoned as aforesaid, or, if no such Officers have been summoned, then solely from the persons summoned under the same Sections.

Jury for trial of European British subject.

31. If any European British subject charged as aforesaid shall so require before the Jury shall be empannelled, the majority of the Jurors shall consist of Europeans or Americans or both Europeans and Americans.

Number of Jury requisite to verdict of guilty.

32. On every trial of an European British subject under this Act, the Jury shall consist of twelve persons, and unanimity, or a majority of not less than nine with the concurrence of the presiding Judge, shall be necessary for a verdict of guilty. In default of such unanimity, or of such majority and concurrence, the prisoner shall be acquitted.

Portions of Section 380 of Criminal Procedure Code not to apply to sentences by Chief Court.

33. So much of the three hundred and eightieth Section of the Code of Criminal Procedure as requires the confirmation by the Sudder Court of sentences of death passed by a Court of Session and so much of the said Section as requires from the Court a statement of the grounds on which a person convicted of an offence made punishable by death by the Indian Penal Code has been sentenced to a punishment other than death, shall not apply to sentences by the Chief Court passed in the exercise of its original Criminal jurisdiction.

Portion of 26th Chapter of Criminal Procedure Code not to apply to sentences of Court.

34. So much of the twenty-sixth Chapter of the Code of Criminal Procedure as requires judgment to be passed by a Criminal Court in any particular form, and as requires that the sentence or finding shall be recorded in any particular form, shall not apply to judgments sentences or findings in trials before the Chief Court acting in the exercise of its original Criminal jurisdiction; but the Chief Court shall pass judg-

ment and shall record or cause to be recorded the sentence and finding in such form as it shall think proper.

Power to single Judge to reserve for Chief Court any question of law or evidence.

35. When any person has been convicted of an offence before a Judge of the Chief Court acting in the exercise of its original Criminal jurisdiction, the Judge, if he think proper, may reserve for the decision of a Court consisting of such Judge and one or more other Judge or Judges of the Chief Court, any question of law or of the admissibility of evidence which has arisen in the course of the trial of such person. If the Judge reserve no such question, he shall forward the prisoner with a copy of his sentence and a warrant for the execution of the same to the Magistrate or other Officer in charge of the jail of the District or place in which the trial was held, and on the receipt of the warrant such Magistrate or other Officer shall proceed as provided in the three hundred and eighty-fifth Section of the Code of Criminal Procedure. If the Judge reserve any question of law or of the admissibility of evidence, the person convicted shall, pending the decision thereon, be remanded to jail. If the decision on the question be adverse to the person convicted, the Court shall send a copy of its sentence and a warrant for the execution of the same to the Magistrate or other Officer in charge of the jail to which the prisoner shall have been remanded, and such Magistrate or other Officer shall proceed as provided in the same Section.

Procedure where no such question reserved.

Save as aforesaid, Criminal Procedure Code to apply to juries, trials, sentences and execution.

36. Save as is hereinbefore otherwise provided, the Code of Criminal Procedure shall apply to the constitution and formation of Juries for the purpose of trials before the Chief Court acting in the exercise of its original Criminal jurisdiction and to trials before such Court and to sentences by such Court and to the carrying into execution of such sentences.

British subjects to be amenable for offences committed in foreign territory.

37. Every European British subject apprehended within the Punjab, or delivered into the custody of a Magistrate within the Punjab wherever apprehended, shall be amenable to the law for any offence committed by him within the territory of any Foreign Prince or State, and may be bailed or committed for trial as hereinafter provided on the like evidence as would warrant his being bailed or committed for trial for the same offence if it had been committed in the Punjab.

Committing Magistrate to report to the Lieutenant-Governor.

38. The committing Magistrate immediately and before the trial shall report the case to the Lieutenant-Governor, and shall obey the orders which he shall receive thereon, and the Lieutenant-Governor may order the trial to be had before the Chief Court.

If the offence is committed where there is a competent Court, Lieutenant-Governor may take steps to have trial there.

39. When the offence is charged to have been committed in the territory of any Foreign Prince or State, administered by Officers acting under the authority of the Government of India, in which territory a Court competent to try the person charged is established by authority of the Governor-General of India in Council, the Lieutenant-Governor may order such person to be conveyed in custody out of the Punjab for the purpose of delivering him up for trial before such Court.

Form of warrant of commitment and of bail-bond.

40. When the person charged is committed to custody the form of the warrant shall specify the commitment to be until the orders of the Lieutenant-Governor can be received and acted on. When he is bailed, the form of the bail-bond shall be in the first instance to appear before the Magistrate on a certain day assigned, allowing reasonable time for the receipt of the orders of the Lieutenant-Governor, and on such subsequent days as the Magistrate shall from time to time require. If the Lieutenant-Governor shall order the person charged to be tried in the Chief Court, the Magistrate may cause the bail-bond to be renewed in the usual form to appear and take his trial in such Court.

Order of Lieutenant-Governor to be full authority.

41. In either case the special order of the Lieutenant-Governor shall be deemed full authority either for the trial of the person charged within the Punjab, or for conveying him in custody out of the Punjab as aforesaid.

Two Judges at least necessary to reverse or modify sentences or decrees of Sessions or Civil Judges.

42. No decree of any Civil Court shall be reversed or modified on appeal, and no sentence of any Criminal Court shall be reversed or modified on appeal or revision, save by the order of not less than two Judges of the Chief Court.

Chief Court may provide for exercise of the Court's jurisdiction by one or more of its Judges.

43. Save as herein otherwise provided, the Chief Court may by its own Rules provide for the exercise, by one or more Judges, of the original and appellate jurisdiction vested in such Court, in such manner as may appear to such Court to be convenient for the due administration of justice.

Chief Court to superintend subordinate Courts, and to frame Rules of practice for itself and such Courts.

44. The Chief Court shall have superintendence over all Courts which may be subject to its appellate jurisdiction, and shall have power to call for returns, to make and issue general rules for regulating the practice and proceedings of the Chief Court and of such subordinate Courts, to give and assign to the Ministerial Officers of the said Chief Court and subordinate Courts respectively such powers and duties as may seem fit, to frame and prescribe forms for every proceeding in the said Courts for which it shall think necessary that a form be provided, and also for keeping all books, entries, and accounts to be kept by the Officers, and to settle Tables of Fees to be allowed to Pleaders, and from time to time to alter any such rule or form or table; and the rules so made, and the forms so framed, and the tables so settled, shall be published in the Official Gazette, and after being so published shall be used and observed in the Chief Court: Provided that such general rules and forms and tables be not inconsistent with the provisions of this Act or any law in force, and shall before they are issued have received the sanction of the Lieutenant-Governor.

Provisions as to proceedings pending in Judicial Commissioner's Court.

45. The Chief Court shall have jurisdiction in all proceedings pending in the Court of the Judicial Commissioner of the Punjab at the time of the constitution of the Chief Court; and all previous proceedings of the Court of the said Commissioner shall be dealt with as if the same had been had in the Chief Court.

Procedure in case of difference of opinion between Judges when Court consists of only two.

46. If the Chief Court shall consist of two Judges only, and if in any case heard by such Judges sitting together there shall be a difference of opinion between them, the following course shall be pursued, that is to say:—

1st.—On Appeal on a question of fact.

(*1st*)—If the case be heard in appeal and the difference of opinion shall be on any question of fact in the finding of the Lower Court, the finding shall be upheld.

2nd.—On Appeal on a question of law.

(*2nd*)—If the difference of opinion shall be on a point of law or of usage having the force of law, the ruling of the Lower Court shall in such case also be upheld, unless one of the Judges shall be of opinion that the point is one which ought to be referred to the High Court of Judicature at Calcutta, in which case the Judges shall state the point as to which they differ, and forward such statement, with their own opinions respectively, to such High Court. The Chief Court may proceed in the case notwithstanding such reference, and may pass a decree contingent upon the opinion of the High Court on the point referred; but no execution shall be issued in any case in which a reference shall have been made until the receipt of the order of the High Court.

3rd.—In exercise of original jurisdiction on a question of law.

(*3rd*)—If the case be heard by the Judges in the exercise of the original jurisdiction of the Chief Court, and the difference of opinion shall be on a point of law or usage having the force of law, the Judges shall state the point on which they differ, and proceed as last hereinbefore provided. The same rule shall be observed when a difference of opinion may arise between two Judges of the Court upon a point of law reserved under the thirty-fifth Section.

4th.—In exercise of original jurisdiction on a question of fact.

(*4th*)—If the case be heard by the Judges in the exercise of the original jurisdiction of the Chief Court, and the difference of opinion be on a question of fact, the opinion of the Senior Judge shall prevail, and he shall pronounce his decision as the decision of the Court.

Hearing and decision of referred cases.

47. Cases referred under this Act for the opinion of the High Court of Judicature at Calcutta, shall be heard by not less than three Judges of that Court, and shall be determined according to the opinion of the majority of such Judges.

Parties may appear in person, or by Advocate or Vakeel.

48. The parties to such cases may appear, plead and act in the said High Court in person, or by an Advocate or Vakeel of such High Court; and the High Court, when it has heard and considered the case, shall transmit a copy of its opinion under the seal of the Court and the signature of the proper Officer of the Court, to the Judges of the Chief Court. Costs, if any, consequent on the reference of a case for the opinion of the High Court, under the forty-sixth Section, shall be costs in the suit.

Transmission of judgment of High Court and proceeding thereupon.

Costs of reference to High Court.

Registers, books, accounts, and statements to be kept and furnished by Chief Court.

49. The Chief Court shall keep such registers, books and accounts, and submit to the Lieutenant-Governor such statements of the work done in the Court as may be required by him. The Chief Court shall also comply with such requisitions as may be made by the Governor-General of India in Council or by the Lieutenant-Governor for certified copies of or extracts from the records of the Court.

Copies of records to be furnished.

Chief Court's functions exerciseable by single Judge.

50. Save as is in this Act otherwise expressly declared, any function which is hereby directed to be performed by the Chief Court may be performed by any Judge or Judges thereof appointed in that behalf by any rule made under the forty-fourth Section.

Sections 11 and 12 not to be affected on extension to Punjab of Act XX of 1865.

51. Whenever the Lieutenant Governor of the Punjab shall, under the authority vested in him by Section forty-seven of the Pleaders, Mookhtars and Revenue Agents' Act, 1865, extend the provisions of the said Act to the Territories under his Government, nothing in the said Act shall affect the provisions of Sections ten, eleven and twelve of this Act.

Short title.

52. This Act may be cited as "The Punjab Chief Court Act, 1865."

Commencement of Act.

53. This Act shall come into operation on such day as the Governor-General of India in Council shall fix by a notification published in the Gazette of India.

WHITLEY STOKES,
Offg. Asst. Secy. to the Govt. of India,
Home Department (Legislative.)

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The Gazette of India.

Published by Authority.

SIMLA, SATURDAY, MAY 13, 1865.

HOME DEPARTMENT.

No. 273.

Simla, the 5th May 1865.

Notifications.—Mr. Smith, Inspector of Police, Gonda, passed the examination prescribed for Police Officers at the examination held at Fyzabad on the 4th, 5th, and 8th ultimo.

No. 274.

The 6th May 1865.

Dr. J. Reid, Civil Assistant Surgeon of Bhundara in the Central Provinces, is placed in charge of the Jail at that station, and is invested with the powers of a Magistrate, to be exercised within the precincts of that Jail.

No. 275.

Ram Soorun Lall is invested with the powers of a subordinate Magistrate of the 2nd Class, described in Chapter II., Section 22 of Act XXV. of 1861, while officiating as Tehseeldar of Mooltye in the Baitool District, Central Provinces, to be exercised within the limits of that Tehseelee.

No. 276.

The 9th May 1865.

His Excellency the Viceroy and Governor General in Council is pleased to appoint Yado Rao Punday, Banker of Bhundara in the Central Provinces, to be an Honorary Magistrate, and to invest him with the powers of a subordinate Magistrate of the 2nd Class, to be exercised within the limits of the Bhundara Tehseelee.

No. 277.

Under the provisions of Section 20 of Act XIX. of 1865, Mr. D. G. Barkley, Assistant Commissioner, 1st Class, is invested with the Civil and Criminal powers of a Deputy Commissioner, from the 1st instant, while in charge of the current duties of the Deputy Commissioner's Office in the Delhi District.

No. 278.

Leave of absence on medical certificate is granted to Lieutenant A. G. Remington, late Assistant Superintendent in the Oudh Police, from the 23rd May to the 10th September 1864.

No. 279.

An extension of leave for six months on medical certificate, under the old Civil Absentee Rules, has been granted by the Right Hon'ble the Secretary of State to Lord William Hay of the Bengal Civil Service.

An extension of leave for three months, on private affairs without pay, has also been granted by the Right Hon'ble the Secretary of State to Mr. G. G. Morris of the Bengal Civil Service.

No. 280.

The 10th May 1865.

Mugsoodool Hosein, Tehseeldar, Sleemabad, in the Jubbulpore District in the Central Provinces, is invested with the powers of a subordinate Magistrate of the 1st Class, described in Chapter II., Section 22 of Act XXV. of 1861.

Nos. 281—83.

Messrs. R. G. Currie, E. Grey, and H. E. Perkins, of the Civil Service, have reported their departure from India per Steam Ship *Simla*, which vessel was left by the Pilot at Sea on the 25th ultimo.

No. 284.

The Governor General in Council is pleased to permit Mr. H. C. Hamilton to resign the Civil Service from the 14th instant.

No. 285.

The 11th May 1865.

Mr. R. Hamilton, Extra Assistant Commissioner, Central Provinces, is appointed to officiate as District Superintendent of Police, Baitool, as a temporary arrangement.

No. 286.

The Governor General in Council is pleased to re-attach to the Bengal Division of the Presidency of Fort William, Mr. A. T. Maclean of the Civil Service, who returned from furlough on the 28th ultimo.

No. 287.

The Governor General in Council is pleased to permit Mr. G. C. Fletcher to resign the Civil Service from the 9th instant.

E. C. BAYLEY,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

No. 169.

JUDICIAL.

Simla, the 9th May 1865.

Notifications.—The Governor General in Council is pleased to appoint Rajah Bulwunt Sing, of Piterah in the Saugor District, Central Provinces, to be an Honorary Magistrate.

No. 173.

The 12th May 1865.

His Excellency the Viceroy and Governor General in Council is pleased to declare that Act XIV. of 1856 shall be in force in the Cantonment of Bangalore. The duties of the "Commissioners" appointed under its provisions, shall be discharged by the Executive Members of the Municipal Board of the Cantonment of Bangalore. All appeals under the above Act shall lie to the Superintendent of the Nundidroog Division; and the Court of Small Causes at Bangalore, shall be a competent Court for issuing the orders referred to in Section 23 of the Act.

No. 192.

REVENUE.

The 9th May 1865.

Notification.—His Excellency the Governor General in Council is pleased to publish, for general information, the following Rules for the collection of Octroi Duty in Lucknow for 1865-66 :—

Rules for the collection of Octroi Duty in Lucknow for 1865-66.

Under the authority given by Section XII. of Act XVIII. of 1864, the following rules in regard to the levy of Octroi Duty in Lucknow, have been sanctioned by the Chief Commissioner, for the year 1865-66 :—

I.—An Octroi or town duty will be levied on all articles brought into the city for consumption, sale or use therein, according to the Schedule in force.

II.—The following are exempted from duty :—Ordnance Stores; all necessaries for the use of European Soldiers, their wives and families, and all stores of clothing, books, &c., procured by Commanding Officers, for the use of their men (European and Natives); also, Stationery for Government Offices.

No goods will be liable to a second demand under these rules.

III.—The collection of the duty has been let in farm from the 1st May 1865 to 3rd April 1866. The farmer will appoint a certain number of servants for the collection of the duty, who will be registered by the Deputy Commissioner, Lucknow, and each of whom will wear a badge with a distinguishing letter or number by which he may easily be identified. Each servant will also be supplied with a copy of these Rules, and of the Schedule of Rates, which he will show on demand to any one desiring to see it.

IV.—All persons employed in the collection of duties under this Act are public servants under Definition 10, Section XXI., Penal Code, and shall be bound in the execution of their duties by the following rules :—

V.—No goods in transit through Lucknow shall be liable to any duty,—the owner will be at liberty to place them in the Bonded Warehouse (Aga Meerki Serai), and thence pass them free through the town.

VI.—The farmer is liable for all damage done to goods by stamping or other acts performed by or under colour of his authority, which cause loss to any trader or other owner of such goods, also of unnecessary delays by detention of goods.

VII.—Travellers are not exempted from these rules; and the Collector, in cases when he knows or has reasonable grounds to suppose that goods liable to duty are being brought for sale or consumption within the city limits, in dawk gharries or other conveyance, can apply to the Magistrate for aid in recovering dues on taxable articles.

VIII.—Any person evading or refusing payment of the duties lawfully demanded, will be liable on conviction by a Magistrate to the penalties described in Section XV. of the Act.

IX.—Merchants or other dealers in European goods, on arrival of their goods (or previously), can make a declaration of the total amount of invoice and pay accordingly. The farmer will have no power to examine their goods; but he can report to the Magistrate if he objects to the amount as declared, and the Magistrate can call for and examine the invoice.

X.—The farmer cannot detain goods at the Barrier or the Carrying Company's Offices, provided the invoice has been declared and arrangement made for payment; but in any case of refusal to pay, he shall refer to the Magistrate.

XI.—Merchants can pay according to their invoice, either once a month or on arrival of goods; but they will not be at liberty to remain in arrears beyond the month.

XII.—For all goods coming by public or private companies, the farmer must appoint a man to remain at the offices of the Companies. The consignees must declare the amount of invoice, and pay the duty before removing their goods. If the Agents of such Companies do not assist the farmer in preventing the removal of goods before payment when so called upon, and in case of any contravention of this or the previous five sections of these rules, the farmer will be entitled to demand payment at the Barrier on all future consignments to the offending party.

XIII.—The farmer, and all persons employed by him, will be liable to fine under Act XVIII. of 1864, Sections XIII. and XV., for any breach of these rules, or from demanding any duty in excess of the Schedule rates.

Lucknow Octroi Schedule, 1865-66.

General Headings.	Description of goods under each heading.	Rate at which the duty is now fixed.		REMARKS.
Building Materials...	Timber	5 0 0	Per cent. on value.	
	Bamboos	3 0 0	Ditto.	
	Bricks, large	10 0 0	Per Lac.	
	Ditto, small	3 0 0	Ditto.	
	Tiles	3 0 0	Ditto ...	New; but are building materials.
	Marble and Stone	3 0 0	Per cent. on value...	
Grain of all kinds ...	Carts laden	0 4 0	Per Bullock.	
	Camels and Buffaloes	0 3 0	Each.	
	Bullocks	0 2 0	Ditto.	
	Galloways	0 1 6	Ditto.	
	Boats	0 1 0	Per maund.	
	Head loads	0 0 6	... ...	Now.
	Chaff (Bhoosa) and Straw.			
	Per cart	0 1 0	Per Bullock ...	New, 1-8 per cent.
	Per Camel and Buffaloe	0 0 9	... ...	
	Bullock	0 0 6	... ...	
	Head loads	0 0 1½	... ...	
	Boat	0 0 2	Per maund	
Cattle imported for use or sold within city limits ...	Elephants and Camels	4 0 0	Per cent. on sale.	
	Horses, Bullocks, Buffaloes, and Cows ...	3 0 0	Ditto.	
	Sheep, Goats, and Asses	1 0 0	Per cent on value ...	Sheep and Goats, new.
	Poultry	1 0 0	Ditto ...	New.
English Articles ...	Liquors	1 8 0	Per cent.	
	Foreign Teas, Coffees, and Tobacco ...	1 8 0	Ditto.	
	Oilman's Stores	1 8 0	Ditto.	
	Hardware, including ironmongery, fire-arms, and all weapons	1 8 0	Ditto ..	"All weapons," new.
	Glass, Crockery, Porcelain, and all fancy and ornamental articles	1 8 0	Ditto ...	"Fancy and ornamental articles," new.
	Saddlery, Stationery including books at original price, and perfumery ..	1 8 0	Ditto.	
	Carriages of all sorts	1 8 0	Ditto ...	New.
	Furniture, including all musical instruments	1 8 0	Ditto ...	Ditto.
	Machinery	1 8 0		
Fabrics	European Piece Goods, including Haberdashery, Linen Cloth, Cambric, &c., in the piece and made up	3 0 0	Per cent.	
	Native manufactured Cotton Goods and Muslins	3 0 0	Ditto.	
	Blankets and Woollen Cloth	3 0 0	Ditto.	
	Flowered Silks (Native) and Brocades ...	5 0 0	Ditto.	
	Woollen Scarf, Shawls, Silks, and Kincobs ..			
	Cotton and Silk Thread, and Raw Silk ...	2 0 0	Ditto.	
	Carpetting and Matting	3 0 0	Ditto ...	New.
Fuel	Wood, carts laden	0 1 0	Per Bullock.	
	Ditto	0 0 6	Per load, Bullock, Camel or Buffaloe.	
	Ditto	0 0 1	Head load ...	New.
	Ditto	0 0 3	Pony.	
	Ditto	0 0 2	Boat per maund.	
	Charcoal, carts laden	0 4 0	Per Bullock.	
	Ditto	0 2 0	Per Bullock, Camel or Buffaloe.	
	Ditto	0 1 0	Pony load.	
	Ditto	0 0 3	Head load ...	New.
	Ditto	0 0 9	Boats per maund.	
	Ghee, Oil, Goor or Sugar	3 0 0	Per cent. ...	Present rate Rs. 2 for Ghee and Oil.
	Ivory	3 0 0	Ditto.	
	Stick Lac of sorts...	5 0 0	Ditto.	
Leather	Table and Ermine Skins	5 0 0	Ditto.	
	Hides including all other Skins ..	3 8 0	Ditto ...	Present rate Rs. 3.
	Boots and Shoes	1 8 0	Ditto ..	New.
Paper	Metals and Minerals (including Kunkur) ...	3 0 0	Ditto.	
	Country and Bamboo	2 0 0	Ditto.	
	Pawn, per load	8 8 0	2-Bullock Carts.	
	Ditto	11 4 0	3 ditto.	
	Ditto	15 0 0	4 ditto.	
	Ditto	3 0 0	Camel.	

Lucknow Octroi Schedule, 1865-66,—Continued.

General Headings.	Description of goods under each heading.	Rate at which the duty is now fixed.		Remarks.
	Pawn, per load	3 0 0	Buffaloe.	
	Ditto	2 0 0	Bullock.	
	Ditto	1 8 0	Pony.	
	Ditto	0 8 0	Head load.	
	Perfumery (country)	5 0 0	Per cent.	
	Precious Stones on sale	3 0 0	Ditto.	
	Jewellery of all kinds, including Clocks, Watches, and all Gold and Silver articles	1 8 0	Ditto ...	Partly new.
Salt	Edible	2 0 0	Ditto.	
	Kharee	1 8 0	Ditto.	
	Saltpetre	5 0 0	Ditto.	
	Spices, Drugs, Wax, Country Soap, Dyes, and Dried Fruit, &c.	3 0 0	Ditto.	
	Country Teas, and Tobacco	3 0 0	Ditto ...	Present rate Rs. 2.
	Tinsel and Kundela (Silver thread) ...	3 0 0	Ditto.	
	Betel-nut	4 0 0	Ditto.	
	Choorees of sorts	3 0 0	Ditto.	

By Order of His Excellency the Governor General in Council,

W. Muir,
Secretary to the Government of India.

No. 999.

General.

The 9th May 1865.

Notification.—The Governor General in Council is pleased to transfer the District of Bijeragoogurh, now under the Central India Agency, to the administration of the Central Provinces. This arrangement will have effect from the 1st of May 1865.

Assistant Superintendent Kalkapersaud is transferred in the grade of Extra Assistant Commissioner to the Central Provinces, with effect from the above date.

W. Muir,
Secy. to the Govt. of India.

No. 1008.

General.

The 9th May 1865.

Notifications.—Captain H. C. Menzies, Assistant Commissioner, 3rd Class, Oomrawuttee, Hyderabad Assigned Districts, has obtained the usual preparatory leave from date of quitting his station to proceed to Bombay, for the purpose of applying for further leave to Europe on medical certificate.

No. 1010.

Lieutenant-Colonel W. F. Eden made over temporary charge of the Meywar Political Agency to Lieutenant A. N. Bruce, on the 3rd of April.

No. 1012.

Mr. W. DeCourcy Ireland, Assistant Commissioner, 3rd Grade, in British Burmah, obtained privilege leave of absence from the 6th to the 31st March 1865, inclusive.

No. 1014.

Assistant Surgeon R. W. Cunningham, M. D., of the 14th Regiment, Native Infantry, is appointed to the medical charge of the Meywar Political Agency, *vice* Assistant Surgeon J. D. Wylie, resigned.

No. 1017.

Lieutenant K. J. L. Mackenzie, Assistant Commissioner, Hyderabad Assigned Districts, returned to his duties on the forenoon of the 11th March last, from the leave granted him in G. O. No. 536, dated 8th idem.

No. 1018.

Lieutenant W. L. Noverre, Assistant Conservator of Forests in the Central Provinces, is appointed to officiate as an Assistant Commissioner of the 2nd Class, as a temporary arrangement.

No. 1022.

Surgeon Major J. Kirkpatrick, M. D., Surgeon of the Mysore Commission, has obtained leave of absence for one week, from the 15th April 1865, to proceed to Madras, preparatory to applying for leave to Europe on medical certificate.

No. 1024.

The services of Dr. J. M. Cameron, Civil Assistant Surgeon of Sironcha in the Central Provinces, are placed at the disposal of the Bengal Government.

No. 1026.

Major J. W. Younghusband, Inspector General of Police, Hyderabad Assigned Districts, has obtained leave from the 1st instant, to proceed to Bombay for the purpose of appearing before a Medical Committee.

No. 1028.

The undermentioned Officers of the Oudh Commission passed the prescribed examination of Assistant Commissioners, held at Lucknow and Fyzabad on the 4th, 5th, and 6th ultimo :—

For the Higher Standard.

Mr. W. Hutton, Extra Assistant Commissioner.
Mr. C. W. McMinn, Assistant Commissioner.
'ilee Purkash, Serishtadar.
zeez-ood-deen, Tehseeldar.

For the Lower Standard.

r. J. Woodburn, Assistant Commissioner.
izl Hosein, Acting Tehseeldar.

No. 1031.

The 10th May 1865.

Mr. W. DeCourcy Ireland, Assistant Commissioner, 3rd Grade, in British Burmah, has passed the examination in Burmese for the First or Lower Standard.

No. 1034.

The privilege leave for three months, granted to Lieutenant R. G. Watson, 2nd Secretary to Her Majesty's Legation in Persia, in G. O. No. 329, dated 28th ultimo, will commence from the 22nd May, instead of the 7th July 1865 as therein notified.

No. 1036.

Lieutenant H. C. E. Ward, Assistant Commissioner, Jubbulpore, Central Provinces, is empowered to conduct the current duties of the Deputy Commissioner's Office while a Deputy Commissioner is employed on Settlement duty.

No. 1048.

The 12th May 1865.

Mr. St. George Tucker, Commissioner, Khyrabad Division, availed himself of the privilege leave granted him in G. O. No. 517, dated 6th April, and made over charge of his office to Captain E. Thompson, Deputy Commissioner and Settlement Officer of Seetapoor, on the afternoon of the 24th April.

Lieutenant G. G. Young, Assistant Settlement Officer, received charge of the Settlement Office from Captain Thompson, on the afternoon of the same date.

No. 1050.

Mr. D. F. Lonsdale, Assistant Commissioner, 3rd Grade, British Burmah, received charge of the Assistant Commissioner's Office and Treasury at Thayetmyo from Mr. W. DeCourcy Ireland, Officiating Deputy Commissioner, 4th Grade, on the forenoon of the 17th of April.

A. COLVIN,
Offg. Under-Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

No. 163.

Simla, the 9th May 1865.

Notification.—Mr. E. H. Lushington, Secretary to the Government of India, Financial Department, has been allowed privilege leave for one month, under Section VI. of the Covenanted Civil Service Furlough and Absentee Rules.

Mr. John Strachey has been appointed, in addition to his own duties as President of the Sanitary Commission, to officiate as Secretary to the Government of India, Financial Department, during the absence of Mr. E. H. Lushington.

Mr. E. H. Lushington made over, and Mr. J. Strachey took charge of, the office of Secretary to the Government of India, Financial Department, on the forenoon of the 9th instant.

By Order of the Governor General in Council,

R. H. HOLLINGBERRY,
Asst. Secy. to the Govt. of India.

No. 196.

The 11th May 1865.

Appointments.—Mr. J. L. Hynes to officiate as 1st Assistant Deputy Auditor and Accountant General, Bombay.

Mr. R. W. Mathews to act as 2nd Assistant Deputy Auditor and Accountant General, Bombay.

Mr. Jugonauth Narayen to be Acting Chief Assistant in the Deputy Auditor and Accountant General's Office.

The appointments to take effect from the 1st April 1865.

By Order of the Governor General in Council,

J. STRACHEY,
Offg. Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 8th May 1865.

No. 457 *of* 1865.—The undermentioned Officer is permitted to proceed to Europe, on leave of absence, on sick certificate :—

Surgeon Major F. M. Clifford, Her Majesty's Indian Medical Service.	For twenty months, under the new Regulations.

No. 458 *of* 1865.—The undermentioned Officer is permitted to proceed to Europe, on leave of absence, on sick certificate :—

Major David Briggs, of the Bengal Staff Corps, Superintendent of Works, Assam Circle.	For twenty months, under the new Regulations.

No. 459 *of* 1865.—The services of Assistant Surgeon T. E. Hale, V. C., M. D., Her Majesty's 7th foot, in medical charge of the 2nd Punjab

Infantry, being required for employment with Her Majesty's British Troops, are placed at the disposal of His Excellency the Commander-in-Chief.

The 9th May 1865.

No. 460 *of* 1865.—Assistant Apothecary William Wilkinson, of the Subordinate Medical Department, is dismissed from the service.

No. 461 *of* 1865.—The undermentioned Officer is permitted to proceed to Europe, on leave of absence, on sick certificate :—

Captain James Trevenen, of the Bengal Staff Corps, Officiating 2nd in Command and Wing Officer, 21st Regiment, Native Infantry.	For twenty months.

No. 462 *of* 1865.—The undermentioned Officer is permitted to proceed to Europe, on leave of absence, on sick certificate :—

Major Hugh Norris Hodgson, of the Bengal Staff Corps, 2nd in Command and Wing Officer, 38th Regiment, Native Infantry.	For twenty months.

No. 463 *of* 1865.—

Subadar Syed Hossain, of the 36th Regiment, Madras Native Infantry, is promoted from the 2nd to the 1st class of the "Order of British India," with the title of "Sirdar Bahadoor."	From 6th February 1865, in succession to pensioned Subadar Major Rajanah, "Sirdar Bahadoor," deceased.
Subadar Shaik Sillar, of the 19th Regiment, Native Infantry, is admitted to the 2nd class of the "Order of British India," with the title of "Bahadoor."	

No. 464 *of* 1865.—The undermentioned Officers have reported their departure on the dates specified opposite to their respective names :—

Lieutenant-Colonel (Brevet Colonel) J. Liptrap, of the Bengal Infantry, on leave for twenty months, G. G. O. No. 420, of the 17th April 1865.	"*Simla*," 25th April 1865.
Lieutenant-Colonel (Brevet Colonel) F. W. Burroughs, of the Bengal Infantry, on leave for twenty months, G. G. O. No. 407, of the 17th April 1865.	
Lieutenant-Colonel H. E. L. Thuillier, of the Royal Artillery, Surveyor General of India, and Superintendent of the Topographical and Revenue Surveys, on leave for twenty months, G. G. O. No. 364, of the 5th April 1865.	
Lieutenant-Colonel E. J. Simpson, of the Bengal Infantry, Officiating Deputy Commissary General, Central Circle, Lucknow, on leave for twenty months, G. G. O. No. 402, of the 17th April 1865.	
Captain H. W. Best, of the late 5th European Light Cavalry, 2nd in Command and Squadron Officer, 17th Bengal Cavalry, on leave for three years, G. G. O. No. 377, of the 7th April 1865.	
Surgeon Major J. B. Harrison, M. D., of the Medical Department, attached to the 27th (Punjab) Regiment, Native Infantry, on leave for twenty months, G. G. O. No. 316, of the 24th March 1865.	
Assistant Surgeon A. K. Reed, of the Medical Department, Garrison Assistant Surgeon, Attock, on leave for twenty months, G. G. O. No. 373, of the 7th April 1865.	
Assistant Surgeon T. Duka, M. D., of the Medical Department, on leave for twenty months, G. G. O. No. 418, of the 17th April 1865.	

No. 465 *of* 1865.—The following Military letter from the Right Hon'ble the Secretary of State for India, No. 100, dated 31st March 1865, is published for general information :—

MILITARY. INDIA OFFICE;
No. 100. *London, the* 31*st March* 1865.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,—The undermentioned Officers have been permitted to return to their duty, *viz.* :—

Major J. Marquis,
Captain J. P. A. Theobald,
" W. S. Young,
Lieutenant H. A. Rooke,
" W. Battye,
" J. R. Pearson,
Inspector General J. McClelland,
Assistant Surgeon J. R. Jackson,
Apothecary R. D. Logg.

2. The undermentioned Officers have been granted extensions of leave for the periods specified, *viz.* :—

Lieutenant-Colonel G. N. Oakes...	6	months.
Major C. St. G. Brownlow ...	6	"
" A. Blackwood	6	"
Captain G. A. Brown	5	"
" E. H. Scott	6	"
" J. L. Watts	1	"
Lieutenant R. Morris	6	"
" A. W. Parker	6	"
" M. H. Heathcote	6	"

3. The undermentioned Officers have been permitted to retire from the service from the dates specified, *viz.* :—

Lieut.-Colonel R. J. Edgell	24th Jany. 1865.
Captain H. J. Allan ...	24th Sept. 1862.
„ H. F. Bamford ...	21st Nov. 1864.
Surgeon Major A. C. Macrae	28th Jany. 1865.

4. Surgeon J. T. Glover, of the Invalid Pension List, has also been permitted to retire from the service.

5. Intelligence has been received of the death of Major P. R. Hockin of the Staff Corps, on the 7th March 1865.

I have, &c.,

(Sd.) C. WOOD.

No. 466 *of* 1865.—His Excellency the Governor General in Council is pleased to make the following appointment :—

Ordnance Commissariat Department.

Captain E. Tierney, 3rd class Commissary of Ordnance, to officiate as 2nd class Commissary during the absence on sick leave of Captain T. N. Harward, or until further orders.

The 10*th May* 1865.

No. 467 *of* 1865.—The undermentioned Officer is permitted to proceed to Europe, on leave of absence, on sick certificate :—

Captain George Cleland Rowcroft, Bengal Staff Corps, Wing Officer, 35th (the Mynpoorie) Regiment, Native Infantry.	For twenty months.

No. 468 *of* 1865.—The undermentioned Officers have reported their return from England :—

	Date of arrival at Fort William.
Major J. Marquis, Bengal Staff Corps, 2nd in Command and Wing Officer, 17th (the Loyal Poorbeah) Native Infantry. Major. C. T. Hallett, Bengal Staff Corps, District Superintendent of Police, 2nd Grade, Allyghur District. Captain J. P. A. Theobald, of the late 3rd European Light Cavalry. Lieutenant (Brevet Captain) L. H. P. De H. Larpent, of the late 21st Native Infantry.	28th April 1865.

No. 469 *of* 1865.—The undermentioned Officer is permitted to proceed to Europe, on leave of absence, on sick certificate :—

Surgeon Edward Courtenay Thorp, M. D., of the Medical Department, in medical charge of the 43rd (Assam) Regiment, Native Infantry.	For twenty months, under the new Regulations.

No. 470 *of* 1865.—The undermentioned Officer is permitted to proceed to Europe, on leave of absence, on sick certificate :—

Major George Noble Cave, of the Bengal Staff Corps, Commandant 24th (Punjab) Regiment, Native Infantry.	For twenty months.

The 11*th May* 1865.

No. 471 *of* 1865.—The following Military letter from the Right Hon'ble the Secretary of State for India, No. 75 of the 17th March, and the Royal Warrant and Circular Memorandum from the War Office therein referred to, are published for general information :—

MILITARY. INDIA OFFICE;

No. 75. *London, the* 17*th March* 1865.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,—Para. 1. You are aware, from previous Despatches to your Government, that I have been for some time in communication with the Secretary of State for War, on the subject of the regulations relating to the passages, and the passage allowances of Officers of Her Majesty's British Forces proceeding to or returning from India.

2. I now forward, for the information of your Government, copy of a Royal Warrant dated 2nd January 1865, cancelling the Royal Passage Warrant of 1st July 1848, and establishing other regulations on the subject. These regulations, you will observe, are to be applicable to all Officers, whether of the staff or of regiments, brigades and batteries, who shall hereafter embark for service in India. They are also intended to apply to Officers of Her Majesty's British Service hereafter quitting India.

3. Your Government will take the necessary measures for giving due publicity to this Warrant, and will cause its provisions to be acted upon immediately on its promulgation in India, so far as respects the Officers of Her Majesty's British Service.

4. A Circular Memorandum from the War Office, copy of which is also sent, announces the issue of the revised Warrant, and notifies that, "in consideration of the privileges conferred upon "the Officers of the army at large by its provisions, "it has been decided to discontinue the grant of "six months' Indian allowances, hitherto issued "to Officers of Her Majesty's British Service "proceeding from India to England on medical "certificate."

5. The discontinuance of this grant, however, is to apply only to Officers of Her Majesty's British Service belonging to regiments, battalions, brigades and batteries, which shall proceed to India subsequently to the date of the Warrant.

6. The provisions of this circular should also be made known when the new Warrant is promulgated.

7. There are one or two points in the new Warrant to which, as causing an important alteration of the existing practice, I am desirous of drawing the attention of your Government.

8. Clause I.—Under this clause, Officers are entitled to passages at the public expense, if proceeding to serve upon the general or personal staff, or returning therefrom in consequence of reduction or removal. Officers of the divisional, general, and personal staff have hitherto been entitled to passages *to* India only. They will, henceforth, be entitled to passage *from* India also, when returning under the circumstances contemplated in this clause of the Warrant.

9. This rule is, however, not to apply to a Commander-in-Chief at either Presidency, special provision having been made by the Legislature for the expenses of the equipment and voyage of Commanders-in-Chief in India.

10. Instead of the uniform rate of contribution for messing (5*l.*) now made from the passage allowance of Officers proceeding to or from India, you will observe that the new Warrant (page 677) provides for the deduction of a variable rate from the staff or regimental pay of the Officer for whom the passage is provided.

11. This rate of deduction is to be made, in the case of the regimental Officer, by the Paymaster or Regimental Agent, as the case may be, as was provided for in the War Office Circular, 29th. November 1858, No. 350. In the case of the Staff Officer, the deduction must be made at the pay office in India where the Officer first draws pay. In this country it will be recovered under the instructions of the Secretary of State for War.

12. In the War Office Circular above referred to, which fixed the uniform rate of messing contribution at 5*l.* for each Officer, it was stated, "in the case of an Officer who receives an allow-"ance to find his own passage, no such stoppage "is required."

13. This, as explained in Lord Stanley's Despatch dated 9th March 1859, No. 75, did not mean that an Officer who receives an allowance for his passage was to be exempt from the prescribed contribution for messing, but that, in such case, the stoppage was not required to be made by the Paymaster or Regimental Agent, it having been arranged, at the request of the Secretary of State for War, that, in each such case, the rateable reduction should be made from the amount of passage money when issued to the Officer, or his agent, either in England or in India.

14. The contribution for messing in this case also is henceforth to be deducted from the *pay* of the Officer receiving the passage allowance, at the termination of the voyage.

15. As intimately affecting the interests of the British Officer in India, this Despatch has been submitted to, and has received the concurrence of, the Secretary of State for War.

16. You will observe that neither the terms of the Circular nor those of the Royal Warrant apply to the Officers of the Indian Army, or the Officers of the Indian Staff Corps.

I have, &c.,

(Signed) C. Wood.

Circular No. 888.—Passage Warrant.

HOME AND FOREIGN.

VICTORIA R.

13
Passage Warrants.
103.

Whereas we have judged it expedient to cancel Our Royal Warrant of the 1st of July 1848, regulating the grant of Passages and Passage Allowances to Officers of Our Army. Our will and pleasure is, that these Our Royal Warrant and Regulations, to be administered and interpreted by Our Principal Secretary of State for War, shall for the future be observed in regard to all Officers proceeding to or from Our Colonies, and shall be applicable to all Officers whether of the Staff or of Regiments, Brigades, and Batteries, who shall hereafter embark for service in Our East Indian Possessions.

Given at Our Court at St. James's this 2nd day of January 1865, in the Twenty-eighth Year of Our reign.

By Her Majesty's Command,

De Grey and Ripon.

REGULATIONS

IN REGARD TO

PASSAGES AND PASSAGE ALLOWANCES.

Officers, Civil and Military, who, being entitled to passages at the public expense, shall be ordered to or from foreign stations, and Her Majesty's East Indian possessions, will be provided with passages in a contract packet, in a Government vessel, or in a vessel wholly or partly engaged by a public department, and when they cannot be so accommodated, will receive passage allowances at the rates hereinafter prescribed, or at such rates as may from time to time be established.

Officers are entitled to passages at the public expense,—

1. If proceeding to serve upon the general, medical, or civil staff of a foreign station, or returning therefrom in consequence of reduction or removal; or if proceeding with or upon the first appointment of the general officer to whose personal staff they belong, or returning in consequence of such general officer ceasing to hold his appointment.

2. If attached to, and ordered to proceed with their regiments, or in charge of detachments of their regiments.

3. If proceeding to fill up vacancies occasioned by death, by promotion, by augmentation, by resignation, by dismissal, or by the exchange, removal, or retirement of officers who have returned home on account of ill-health, who have been ordered home on duty, or who have served two years at the depôts of their regiments.

4. If ordered to proceed upon courts-martial, or upon any other special public duty upon which

their presence is considered absolutely necessary, or if returning after the performance of such public duty.

5. If returning home in consequence of regular regimental promotion, of promotion to the rank of general officer, of promotion under the Warrant of 6th October 1854, of being placed on retired full-pay under the Warrant of the 14th October 1858, or on half-pay under the Warrants of the 17th December 1855 and 2nd December 1857, or of promotion to the medical staff, or promotion in the civil branches of the army.

6. If ordered home to undergo instruction at the staff college or school of musketry, to join the regimental depôts of their regiments in their regular tour of duty, and actually joining such depôts without obtaining previous leave of absence.

7. If returning home on leave on account of ill-health upon the report and recommendation of a medical board, or if returning to their stations after the expiration of such leave.

8. The officer commanding at a foreign station, on being satisfied of the inability of an officer removed from or dismissed the service for misconduct, to provide his own passage, may use his discretion in ordering a passage for him at the public expense, a report of every such case being made to the Secretary of State for War.

9. An officer who, on the expiration of his leave of absence on private affairs, is ordered to do duty with detachments, will be allowed cabin accommodation, paying only the usual contribution for messing.

10. An officer who, when at home on leave of absence on his private affairs, shall subsequently do duty for two years with the regimental depôt, shall, when ordered to rejoin his regiment, be allowed a passage at the public expense.

11. If belonging to a colonial corps and returning home on leave of absence on their private affairs, and if returning to their stations after the expiration of such leave, provided they shall have previously completed seven years of foreign service with their regiments. European non-commissioned officers of West Indian and Ceylon regiments are, with their families, to be granted this privilege under the same conditions. Officers of West Indian regiments after one year's service on the Western Coast of Africa to be also granted free passages to this country, and back to their regiments. European staff and garrison clerks, after seven years' continuous service at tropical stations, may, on being granted leave of absence, be allowed free passages to this country and back.

Every officer who entered the store service prior to the 1st January 1857, and every barrack-master who entered the service prior to the 7th February 1860, will, when entitled to a passage at the public expense, be also allowed free conveyance for his wife and children, subject only to the regulated charges for messing.

School-masters (not being superintending school-masters) ordered to proceed by sea from one station to another will, with their families, be entitled to intermediate or second class passages at the public expense; and when so accommodated will be subject to deduction for rations at the rate of 1*s.* a day for himself, 4*d.* a day for his wife, and 2*d.* a day for each child.

When circumstances necessitate his being provided with accommodation inferior to intermediate or second class, he will only be subject to the usual stoppage of 6*d.* a day for rations.

The following scale will apply to other persons holding subordinate situations under the War Office:—

—	Rates of stoppage for Messing.	Wives.	Children above two years old.
Intermediate Passengers.			
Band-masters (enlisted), Assistant Clerks, Temporary Clerks, Commissariat Store-keepers, Master Artificers, 1st and 2nd Warders of the 1st and 2nd Class Military Prisons.	1s.	Free passage, and 1*d.* a day deduction for messing.	Free passages, and 2*d.* a day each deduction for messing.
Steerage Passengers.			
Barrack Serjeants, skilled Labourers, and others.	Soldiers' stoppage.	Free passages, and 2*d.* a day deduction for rations.	1*d.* a day each deduction for rations.

Officers are not entitled to passages at the public expense,—

If returning home on resignation, or in consequence of removal for misconduct, or of dismissal by the sentence of court-martial, except as specified in Clause No. 8.

If exchanging with other officers for their mutual convenience, if coming home on their private affairs, or if returning to their stations on the expiration of their leave of absence upon private affairs. Officers returning home on their private affairs will be required to sign the declaration prescribed by the regulations, and will, if when in this country they exchange or retire from the service, be liable to pay the expense of their successors' passages to the stations from which they have returned.

Officers retiring from the service by the sale of their commissions, will, unless they have served 25 years on full pay, be liable to the expense of their successors' passages.

Applications for passages.

An officer entitled to conveyance at the public expense must, when required to proceed on foreign service, apply to the proper military authority to be provided with a passage. When a passage cannot be provided on board a vessel of war, troop ship, transport, or other government vessel, or a freight ship, or contract steam vessel, the regulated allowance of passage money, according to the following scale, will be issued to an officer on his producing a certificate from the master or owner of the vessel in which he intends to embark that he has engaged his own passage, and that of his servant or servants when entitled to conveyance for them at the public expense, and if

proceeding by a steamer specifying the amount of passage money, &c., agreed to be paid :—

SCALE OF ALLOWANCES.

Stations.	By Steamers.		By sailing Vessels.	
	Officer.	Servant.	Officer.	Servant.
	£	£	£	£
Gibraltar	12	9	11	8
Malta	19	12	14	10
Ionian Islands	24	16	13	12
Newfoundland	28	14	18	8
Nova Scotia	22	11	15	9
New Brunswick and Prince Edward's Island.	28	14	17	9
Bermuda	30	15	20	13
Windward and Leeward Islands	35	16	29	17
Canada (Quebec and Montreal)	21	8	18	8
Jamaica	35	16	26	14
Bahamas	32	16	24	14
Honduras	40	19	24	13
British Guiana (Berbice, Demerara Ess.)	35	16	21	19
Africa, West Coast, Gambia, and Sierra Leone	31	15	21	13
Gold Coast and Cape Coast Castle	37	18	25	16
St. Helena (*vid* Cape)	68	34	32	20
Cape of Good Hope	45	22	31	17
Mauritius	94	49	54	31
Ceylon	90	47	68	23
Bombay	90	47	87	23
Madras	94	49	87	23
Calcutta	98	52	87	23
Hong-Kong	121	63	65	24
Australia (Sydney, Melbourne, and Tasmania)	111	58	52	20
New Zealand	125	66	63	16

The allowance granted will be in each case that for the particular route and description of vessel (steam or sailing) by which the officer may be ordered to proceed; and in the case of steam conveyance being authorized, the amount granted will be the actual expense incurred by the officer, less the usual contribution for messing for the period of the voyage, provided such amount does not exceed the rate specified in the foregoing scale.

Servants' passages.

General officers will be permitted to embark three servants at the public expense. Every staff officer of the rank of field officer, and every regimental field officer of cavalry, artillery, and infantry, who is required to keep a horse or horses for the performance of his public duties, will be allowed conveyance for two servants. Officers below the rank of field officer (with the exception of subalterns) will be allowed a passage for one servant; but when horses are actually embarked, staff officers and district and regimental rifle instructors holding the rank of captain will be allowed passages for two servants, and those holding the rank of lieutenant and ensign will be allowed a passage for one only. Field officers of the Royal Engineers will be permitted to embark two servants, and those below that rank one only. Medical, commissariat, store, and other officers of the civil departments of the army will be allowed to embark servants according to their relative military rank. The permission to embark servants will, in all cases, be contingent on the claims of the officers themselves to free passages, and allowances for the passages of servants will only be issued for those actually embarked and accompanying them. Regimental officers having brevet rank will be entitled to allowances for their servants, according to their regimental rank only. If female instead of male servants are embarked with married officers when accompanied by their wives, the difference in expense (if any) will be charged to the officers. Passages from port to port in the same military command may be provided for officers' civil servants actually embarked, not exceeding the number for which allowances are permitted to be drawn.

General Officers.

The allowance to be granted to general officers permitted to engage their own passages will be the actual and necessary expenses for the conveyance of themselves and families after abating their own mess contribution, and the expenses of messing their families for the period of the voyage; and the claims for reimbursement must be substantiated by documents showing the expenses actually incurred, and the several items of the charges.

Reimbursement of passage expenses.

When an officer shall have returned home, or shall have proceeded from one foreign station to another, or from one port to another, within the same command, under circumstances entitling him to a passage at the public expense, the Secretary of State for War, upon being furnished with the prescribed certificates, will communicate to the Lords Commissioners of the Admiralty that such officer was entitled to be accommodated in a government or contract steam vessel; or if he proceeded in a private trader, the Secretary of State for War will recommend that the actual sum which his passage may have cost may be granted him, provided it do not exceed the amount of the regulated allowance.

Conveyance of horses.

Staff and regimental officers and district and regimental rifle instructors entitled to draw forage or forage allowance, will, when proceeding to or from foreign stations (with the exception of India, Australia, China, Ceylon, or Mauritius), and intercolonially under circumstances which entitle them to free passages, be allowed to embark at the public expense the regulated number of horses actually required for the performance of their duties.

To any claim for the expenses of conveying a horse by sea, a certificate from the commanding officer should be appended, to the effect that the foregoing conditions have been complied with, and that the horse has actually embarked.

When an officer is provided with a passage on board a ship of war, troop ship, transport, freight ship, or contract steam vessel, or when a field officer is accommodated at the captain's table on board a ship of war, and is maintained while on board with a proper mess at the public expense, he will be liable, on account thereof, to the following deductions by the Secretary of State for War from his regimental or staff pay :—

Messing contributions.

If a general officer, 8*s.* a day.
If under the rank of a general officer, 3*s.* 6*d.* a day;

but when wine and beer are not included in the mess, and it is so stated on the messing certificate, the daily contribution required will be 2*s.* 6*d.* only.

The officer will be further liable to a deduction of 9*d.* a day for each of his civil male servants actually embarked with him and victualled at the public expense.

Officers will be required to pay for the messing of their wives and families on board transports, freight ships, or other hired vessels, according to the following daily scale :—

—	First Class or Chief Cabin.	Second Class or Intermediate.
	£ s. d.	£ s. d.
Lady or female child of 16 years of age and upwards.	0 6 8	0 3 4
Children — of 7 and under 16 years of age...	0 3 4	0 1 8
Children — of 1 and under 7 years of age ...	0 2 6	0 1 3
Children — under 1 year of age ...	Free.	Free.
Female Servants - - - -	0 2 0	0 2 0

Rates for messing payable by Admiralty.

The rates to be allowed to captains of the navy for the accommodation of military officers ordered to be entertained at their tables, and the allowances to be granted to masters of vessels hired, freighted, or chartered by the public, will be regulated and paid by the Lords Commissioners of the Admiralty, and are not to be claimed from the officers embarked.

Staff officer messing at the general officer's table.

If, in consequence of military usage, a staff officer has to dine at the table provided at the expense of a general officer, in any vessel but a ship of war, such general officer shall be entitled to receive from the public the same daily allowance for such staff officer as may be granted by the Lords Commissioners of the Admiralty, under the naval regulations for the accommodation of such military officer at the table of a captain of the navy; but the staff officer shall be subject only to the same deduction from his pay as if he had been messed by the captain of the navy.

Number of days on board ship.

The number of days which are to be calculated for the purpose of payment to, or deduction from an officer, commences with that on which he takes his first dinner meal on board, and ends with that on which he takes his last dinner meal on board.

Detention at port of embarkation.

When a passage has been provided for an officer at the public expense, the proper military authority will notify to him the port of embarkation and the day on which he is to embark; and in the event of his being unavoidably detained at the port of embarkation beyond two days, an allowance of 5*s.* a day will be granted to him from the day of arrival, provided the regiment or depôt to which he belongs or may have been attached is not stationed within ten miles of the port of embarkation. In every instance, however, of an officer being detained at the port of embarkation, whether at home or abroad, beyond fourteen days, and not attached to a regiment or depôt, he will immediately report his detention to the proper military authority, in order that means may, if practicable, be adopted for attaching him to some regiment or depôt.

Officers landing and detained on shore.

If officers be required to go on shore at any intermediate station on account of the public service, and to remain at that place, or to be on shore more than 24 hours, the payment for their mess is to be proportionally curtailed according to the portion of the voyage shortened, or to the length of their temporary continuance on shore; and such officers, if not admitted into barracks and accommodated at a regimental mess, shall be further entitled to an allowance of 5*s.* for each day they may be required to dine on shore.

Application for detention allowance.

An officer having a claim to the allowance of 5*s.* a day, in consequence of his having been detained at a port of embarkation, must apply, if at home, through the Quarter Master General to the Secretary of State for War, and if abroad, to the general officer commanding on the station, supporting his claim by the order he received to proceed to the port of embarkation; and by a certificate from the officer commanding on the spot, of the dates of arrival and embarkation, and that the officer had not been and could not be attached to any regiment or detachment, but had been unavoidably subjected to living at his own expense.

Quantity of baggage.

Officers and others provided with passages in government or other vessels will be allowed to take with them, without extra charge, the quantity of baggage prescribed for their rank in the following scale; but this baggage must be so packed as not to exceed five cubic feet in measurement for each hundred-weight allowed by regulation. Should any charge be made, on board contract packets, for the conveyance of any portion of the quantities of baggage specified below, the officer is to defray the charge, and to transmit to the War Office his claim for reimbursement, accompanied by proper certificates and receipts for the payments made :—

WEIGHTS AND ADMEASUREMENTS OF BAGGAGE.

STAFF.

Rank or Appointment.	Limit of weight allowed.	To be packed so as not to exceed in admeasurement.
	Cwt.	Cubic feet.
General Officer in chief command ...	40	200
General Officer	36	180
Brigadier General	30	150
Colonel on the Staff	26	130
Adjutant or Quarter Master General in India	36	180
Deputy Adjutant or Deputy Quarter Master General	30	150
Assistant Adjutant or Assistant Quarter Master General	26	130
Deputy Assistant Adjutant or Deputy Assistant Quarter Master General ...	20	100
Military Secretary, when a Field Officer or at the head of his department ...	20	100
Military Secretary (not being a Field Officer) or Assistant Military Secretary	14	70
Aide-de-camp	14	70
Brigade Major	14	70

DEPARTMENTAL.

Relative Rank.	—	Limit of weight allowed.	To be packed so as not to exceed in admeasurement.
		Cwt.	Cubic feet.
MAJOR GENERAL.	Commissary General, Chaplain General to the Forces ... ... Inspector General of Hospitals with 3 years' service in that rank..	36	180
BRIGADIER GENERAL.	Inspector General of Hospitals with less than 3 years' service in that rank	30	150
COLONEL.	Deputy Commissary General with 5 years' service in that rank... Deputy Inspector General of Hospitals with do. do. ... Purveyor-in-Chief with do. do. ... ... Principal Superintendent of Stores, and Superintendent of Stores with do. do. 1st Class Chaplains ...	26	130
LIEUTENANT COLONEL.	Deputy Commissary General with less than 5 years' service in that rank ... ... Deputy Inspector General of Hospitals with do. do. ... Superintendent of Stores with do. do. Purveyor-in-Chief with Ditto ditto ... Surgeon Major ... 2nd Class Chaplains ...	20	100
MAJOR.	Assistant Commissary General; 1st and 2nd Class Barrack-masters; Staff or Regimental Surgeon; Principal Purveyor; 3rd Class Chaplains; Staff Veterinary Surgeon ...	20	100
CAPTAIN.	Deputy Assistant Commissary General; 3rd and 4th Class Barrack-masters; Assistant Superintendent of Stores; Staff or Regimental Assistant Surgeon with 6 years' service in that rank; Purveyor; 4th Class Chaplains; 1st Class Clerk of Works; 1st Class Veterinary Surgeon; Apothecary to the Forces ...	14	70
LIEUTENANT OR ENSIGN.	Acting Deputy Assistant Commissary General; Deputy Assistant Superintendent of Stores; Staff or Regimental Assistant Surgeon with less than 6 years' service; Deputy Purveyor; 2nd and 3rd Class Clerks of Works; 1st, 2nd, and 3rd Class Clerks; Royal Engineer Department; Veterinary Surgeon on appointment; Superintending School-master.	8	40

N. B.—Superintending school-masters, if married, are allowed 2 cwt. (or 10 cubic feet) in addition to the quantity for an ensign on the staff.

Store officers who entered the service before the 1st January 1857, and barrack-masters who entered the service before the 7th February 1860, will be allowed to have their furniture conveyed according to the following scale:—

Rank or Appointment.	Limit of weight allowed.	To be packed so as not to exceed in admeasurement.
	Cwt.	Cubic feet.
For an officer above the relative army rank of Captain, an allowance not exceeding	60	300
For his wife	20	100
For his children	20	100
For an officer of the relative rank of Captain, an allowance not exceeding	40	200
For his wife	15	75
For his children	15	75
For an officer of the relative rank of Subaltern, an allowance not exceeding	30	150
For his wife	10	50
For his children	10	50
Unmarried School-masters	4	20
Married School-masters	10	50

REGIMENTAL.

	—	Limit of weight allowed.	To be packed so as not to exceed in admeasurement.
		Cwt.	Cubic feet.
Cavalry† and Infantry.	Field Officer	18	90
	Captain	12	60
	Subaltern	6	30
	Pay-master ‡	*	*
	Adjutant ‡	6	30
	Riding-master	6	30
	Quarter-master ‡	8	40
	Surgeon Major or Surgeon, Assistant Surgeon ..., Veterinary Surgeon ...	*	*
Artillery or Engineers.	Field Officer	27	135
	Captain	18	90
	Subaltern	12	60
	Pay-master ‡	*	*
	Adjutant ‡ — If a Captain ...	18	90
	Adjutant ‡ — If a Subaltern ...	12	60
	Riding-master	12	60
	Quarter-master ‡	12	60
	Surgeon Major or Surgeon, Assistant Surgeon ..., Veterinary Surgeon ...	*	*

* According to relative rank, with an addition for medical officers of 1 cwt. (or 5 cubic feet) for professional books, &c.

† Combatant officers of cavalry are allowed 2 cwt. (or 10 cubic feet) in addition to the above quantities for spare saddlery.

‡ The quantities for Pay-masters, Adjutants, and Quarter-masters, as above, are exclusive of 6 cwt. (or 30 cubic feet) for the two former, and 10 cwt. (or 50 cubic feet) for the latter, if belonging to cavalry or infantry, and 6 cwt. (or 30 cubic feet) if belonging to the royal artillery or royal engineers, allowed for books and stores in their immediate charge, when such books and stores actually accompany them.

General and other staff officers, cavalry officers, and mounted officers of infantry, when proceeding by water, are to be allowed specially to embark, besides the weight of baggage accorded to their respective ranks, the equipment for each horse required to be kept by them in the execution of their public duties, and foraged at the public expense, in the following proportions, *viz.*:—

For one horse ... 10 cubic feet admeasurement.

For the second and every other horse, in addition } 5 ditto ditto.

MISCELLANEOUS.

Rank or Appointment.	Limit of weight allowed.	To be packed so as not to exceed in admeasurement.
	Cwt.	Cubic feet.
Persons employed in a civil capacity not ranking with or holding appointments equivalent to that of a Commissioned Officer	3	15
Married School-master when travelling without troops, if accompanied by his wife	10	50
Ditto, if not so accompanied ...	6	30
Unmarried School-master when travelling without troops	4	20
Unmarried School-mistress	4	20
Married School-mistress, whose husband is not a trained School-master	6	30
School-mistress, the wife of a trained School-master, *but not travelling with him*, or whose allowance is not included in that of her husband	6	30
Officers' wives, together with their children under 14 years of age, for inland carriage when the journey shall be continuous with a sea voyage abroad	6	30
Officers' children, above 14 years of age, ditto ditto	½	2½

The quantities for School-masters and School-mistresses, as above, to include professional books.

Officers proceeding from one foreign station to another.

Officers ordered to proceed upon public duty from one foreign station to another, or within the same command, or removing in consequence of ill health, upon the report of a medical board, may be accommodated with passages on board government vessels, or may receive passage allowances under the warrant of the officer in command, subject to approval of the Secretary of State for War. The allowance to be granted to those officers who cannot be accommodated in a government vessel will be governed by the established local regulations, and is not to exceed the *average* cost to the public of such passage; but the charges made under the warrant of the general officer commanding on the station are to be vouched in the same manner as the charges for the passages of officers to and from the United Kingdom; and the officer, if messed at the public expense, will be subjected to the same deduction as if proceeding to or from this country, or to or from a foreign station.

Officers returning home in a private vessel.

Every officer returning in a private vessel from a foreign station on duty, or on account of ill health, will be required to produce the following documents:—

A.—A certificate from the general or other officer commanding on the station, stating the cause of the officer's return home.

B.—A certificate from the proper officer of the naval department at the station, or should there be no such officer on the spot, from the general or other officer commanding there, stating that the officer had applied for a passage in a government vessel, specifying the date of the application, and showing that a passage could not then be provided for him in any government vessel (and that it was not probable a passage could be so provided within one month from that date).

C.—A certificate from the master of the vessel in which the officer came home, stating that he had paid for his own passage, and for that of his servant or servants, specifying the number, and a receipt for the passage money, showing the several items of the charge.

D.—And if returning from a foreign station, on account of ill health, a certificate also from the board of medical officers, recommending his return. The report of the board is to be forwarded by the general officer commanding on the earliest opportunity, to the Commander-in-Chief.

Certificate required.

Every officer who provides his own passage, whether entitled to the allowance in aid of this expense or not, will be required to sign a certificate that he has provided his own passage, which is to be retained by the agent or paymaster, to be annexed to his accounts.

Payment of passage allowance abroad.

The general or other officer commanding on a foreign station may exercise his discretion in directing by his warrant the payment of the allowance on the spot to an officer returning home upon duty, or on account of ill health; but the prescribed certificates must, in that case, be annexed as vouchers to the account in which the charge is made; and such general officer will forthwith communicate to the Secretary of State for War that he has authorized the payment on the station. If an officer entitled to a passage at the public expense to whom the allowance has not been issued abroad, return home in a private vessel at his own expense, and shall fail to produce the documents prescribed, the allowance will not be granted to him.

Officers embarking with their families.

Messing of officer's family.

Upon all occasions of an officer being permitted to take his wife and family with him when ordered to proceed by sea on public duty, the officer must himself bear the expense of providing the messing of his family.

In a private vessel.

If such officer cannot be accommodated in a government vessel he will receive for himself the regulated allowance only, and must make his own bargain with the master or owner of the private vessel in which he may proceed for the whole accommodation and messing he may require for himself and family.

In a government vessel.

If accommodation not otherwise required for the public service can be provided without cost to the public in a vessel belonging to or wholly freighted or chartered by government, for an officer and for his wife and children, cabin accommodation on board will be provided for them; but this indulgence is limited to accommodation only, and will give no claim to the officer to be relieved from the charge of messing his family.

To render this expense however as moderate to the officer as possible, the following arrangements have been made by the Lords Commissioners of the Admiralty:—

In addition to the contribution to which an officer may be liable for his own mess on board a ship of war or commissioned troop ship, he will be liable to the undermentioned further daily

contributions for the messing of each member of his family permitted to embark with him, *viz.* :—

Wife.	Children between 7 and 16 years.	Children between 1 and 7 years.	Female servants.
5*s.*	2*s.* 6*d.*	2*s.*	2*s.*

By the naval regulations general officers, field officers on the staff, colonels, lieutenant-colonels, are to be entertained at the table of the captain or commander; majors not on the staff, and officers of the army below the rank of field officer, at lieutenants' mess. If, however, staff field officers are embarked with their families, they will be allowed the option of messing either at the captain's table or the lieutenant's mess.

Officers of the civil branches of the army should be entertained according to their relative rank.

In a vessel hired by the Admiralty.

When an officer is provided with a passage to or from a foreign station on board any vessel hired, freighted, or chartered by or on account of the Lords Commissioners of the Admiralty, the charter-party or contract will prescribe that a suitable table shall be provided by the master of such vessel for the wife, children, and female servants of such officer who may be ordered on board by the said Lords Commissioners, or by other competent authority.

In contract steam vessels.

Officers authorized to proceed in the contract steam vessels, whether to or from foreign stations or intercolonially, will be required to pay to the owners for their families permitted to embark with them, the sums which may be prescribed in the contracts for the passage and messing of government passengers.

Special contracts by the Commissariat Department.

Officers proceeding on service without troops from one foreign station to another, or from port to port within the same command, under special contracts made by the Commissariat Department, must themselves defray the whole expense of the passage and messing of their families, and can only be relieved from the charge of cabin accommodation of their families, when the passage is provided in vessels belonging to or wholly freighted or chartered by government.

Circular No. 901.—*(Passage Allowances).*

WAR OFFICE;
The 9th February 1865.

13
Passage Warrants.
106

1. In promulgating Her Majesty's Warrant of 2nd January 1865, Circular No. 888, sanctioning the Regulations which will for the future define the grants of Passages and Passage Allowances to all Officers proceeding to or from the Colonies, and extending its provisions and privileges to all Officers of Her Majesty's British Service, whether of the Staff, or of Regiments, Battalions, Brigades, and Batteries, who shall hereafter embark for or from India—

2. It is notified that, in consideration of the privileges conferred upon the Officers of the Army at large by the provisions of this Warrant, it has been decided, with the concurrence of the Secretary of State for India in Council, to discontinue the grant of six months' Indian Allowances, hitherto issued to Officers of Her Majesty's British Service proceeding from India to England on medical certificate.

3. The discontinuance of this grant will, however, apply only to Officers of Her Majesty's British Service belonging to Regiments, Battalions, Brigades, and Batteries, which shall proceed to India subsequently to the date of this Warrant.

EDWARD LUGARD.

No. 472 *of* 1865.—The following promotions are made, subject to Her Majesty's approval :—

BREVET.

Rank, Name, and Corps.	To what rank promoted.	From what date.	In succession to.
Major John Augustus Wood, V. C., Bombay Staff Corps	Lieut.-Colonel	25th June 1864 ...	Lieut.-General H. Ross, Madras Infantry, deceased.
Captain (now a Brevet Major) Thomas Sweet, Madras Infantry	Major ...		
Major (now a Brevet Lieutenant-Colonel) Octavius Hamilton, Bengal Staff Corps	Lieut.-Colonel	17th Aug. 1864 ...	Lieut.-General C. D. Dun, Madras Infantry, deceased.
Captain William Clarke Francis Gosling, Royal (Madras) Artillery	Major ...		
Major Octavius Edward Rothney, Bengal Staff Corps	Lieut.-Colonel	21st Oct. 1864 ...	Lieut.-General G. Sandys, Madras Cavalry, deceased.
Captain Charles Douglas Waddell, Royal (Madras) Artillery	Major ...		

BREVET,—Continued.

Rank, Name, and Corps.	To what rank promoted.	From what date.	In succession to.
Major William Joseph Fitzmaurice Stafford, Bengal Staff Corps	Lieut.-Colonel	8th Jan. 1865 ...	Lieut.-General M. C. Paul, Bengal Infantry, deceased.
Captain Alexander Stewart, Royal (Madras) Artillery	Major ...		
Major Charles Terrington Aitchison, Bombay Staff Corps	Lieut.-Colonel	24th Jan. 1865 ...	Lieut.-General R. Powney, Royal (Bengal) Artillery, deceased.
Captain Robert Caulfield, Madras Cavalry	Major ...		

No. 473 *of* 1865.—The undermentioned Surgeons of the Bengal Medical Department are promoted to the rank of Surgeon Major, under the provisions of G. G. O. No. 507 of the 20th June 1864, subject to Her Majesty's approval :—

Rank and Names.	From what date.
Surgeon James Pattison Walker, M. D.	5th April 1865.
Do. Richard Southby Otto Thring, M. D.	20th April 1865.
Do. John Squire ...	30th April 1865.

No. 474 *of* 1865.—The undermentioned Officer is permitted to proceed to Europe, on leave of absence, on sick certificate :—

Captain Henry Delves Broughton Smith, of the Madras Staff Corps, 3rd Class Executive Engineer, Department Public Works, 2nd Road Division, Oudh. — For twenty months.

No. 475 *of* 1865.—The undermentioned Officer is permitted to proceed to Europe, on leave of absence, on sick certificate :—

Lieutenant Edward Andrew Trevor, of the Royal Engineers, Deputy Controller and Examiner, Public Works Accounts, 3rd Class, Punjab. — For twenty months, under the new Regulations.

No. 476 *of* 1865.—The undermentioned Officer is permitted to proceed to Europe, on leave of absence, on sick certificate :—

Captain Alexander Frederic Corbett, of the Bengal Staff Corps, District Superintendent of Police, 3rd Grade, Budaon District. — For twenty months.

No. 477 *of* 1865.—The undermentioned Officer is permitted to proceed to Europe on urgent private affairs :—

Lieutenant Robert Durie Osborn, of the Bengal Staff Corps, Adjutant 12th Bengal Cavalry. — For six months, without pay.

No. 478 *of* 1865.—The undermentioned Officer is permitted to proceed to Europe, on leave of absence, on sick certificate :—

Captain Henry Twisden Forbes, of the Royal Artillery, Executive Engineer, Bhaugulpore Division, Department Public Works. — For twenty months, under the new Regulations.

No. 479 *of* 1865.—Captain J. Keer, Deputy Assistant Commissary General, 2nd Class, is appointed to officiate as Deputy Assistant Commissary General, 1st Class, with effect from the date he assumed charge of the Saugor Executive Commissariat Office, on return from sick leave to Europe,—the junior Officers reverting to their proper places.

No. 480 *of* 1865.—The undermentioned appointments and promotions are made in the Commissioned Grades of the Army Commissariat Department to fill existing vacancies :—

ARMY COMMISSARIAT DEPARTMENT.

Permanent.

Captain J. V. Hunt, Sub-Assistant Commissary General, 2nd Class, and Acting Sub-Assistant Commissary General, 1st Class, to be Sub-Assistant Commissary General, 1st Class, from 5th April 1865, *vice* Major J. E. Thomson, resigned.

Captain A. W. Bolton, Officiating Sub-Assistant Commissary General, 1st Class, to be Sub-Assistant Commissary General, 2nd Class, *vice* Captain Hunt.

Captain Bolton will continue to officiate as Sub-Assistant Commissary General, 1st Class.

Temporary.

Captain J. S. Ogilvie, Deputy Assistant Commissary General, 2nd Class, to officiate as Deputy Assistant Commissary General, 1st Class.
Major W. Briggs, Sub-Assistant Commissary General, 1st Class, to officiate as Deputy Assistant Commissary General, 2nd Class.
Captain J. B. Cox, Sub-Assistant Commissary General, 2nd Class, to officiate as Sub-Assistant Commissary General, 1st Class.
— From 26th Jan. 1865, and during the absence on leave of Major J. R. A. S. Lowe, Deputy Assistant Commissary General, 1st Class, or until further orders.

Captain S. Chalmers, Sub-Assistant Commissary General, 1st Class, and Acting Deputy Assistant Commissary General, 2nd Class, to officiate as Deputy Assistant Commissary General, 1st Class. Major T. W. Holland, Sub-Assistant Commissary General, 1st Class, to officiate as Deputy Assistant Commissary General, 2nd Class. Captain A. W. Bolton, Officiating Sub-Assistant Commissary General, 2nd Class, to officiate as Sub-Assistant Commissary General, 1st Class.	From 2nd February 1865, and during the absence on leave of Major M. J. Brander, Deputy Assistant Commissary General, 1st Class, or until further orders.

Captain H. R. Bradford, Officiating Sub-Assistant Commissary General, 2nd Class, to officiate as Sub-Assistant Commissary General, 1st Class, from 4th February 1865, and during the absence on leave of Major H. Mills, Sub-Assistant Commissary General, 1st Class, or until further orders.

Major H. A. Taylor, Sub-Assistant Commissary General, 1st Class to officiate as Deputy Assistant Commissary General, 2nd Class. Captain J. A. M. Biggs, Officiating Sub-Assistant Commissary General, 2nd Class, to officiate as Sub-Assistant Commissary General, 1st Class.	From 29th March 1865, and during the absence of Captain J. Sykes, Sub-Assistant Commissary General, 1st Class, and Acting Deputy Assistant Commissary General, 2nd Class, or until further orders.

Major J. Leven, Deputy Assistant Commissary General, 1st Class, returned from sick leave to Europe, to officiate as Assistant Commissary General, 2nd Class, from 1st April 1865, and during the absence of Captain H. B. Chalmers, Assistant Commissary General, 2nd Class, or until further orders.

Lieutenant W. G. Smith, Officiating Sub-Assistant Commissary General, 2nd Class, to officiate as Sub-Assistant Commissary General, 1st Class, from 5th April 1865, *vice* Captain Hunt, who has been confirmed in that grade.

Major R. D. Macpherson, Assistant Commissary General, 1st Class, to officiate as Deputy Commissary General. Major A. D. Dickens, Assistant Commissary General, 2nd Class, to officiate as Assistant Commissary General, 1st Class. Captain C. S. W. Ogilvie, Deputy Assistant Commissary General, 1st Class, to officiate as Assistant Commissary General, 2nd Class.	From 12th April 1865, and during the absence of Lieutenant-Colonel E. J. Simpson, Officiating Deputy Commissary General, or until further orders.
Lieutenant O. R. Newmarch, Sub-Assistant Commissary General, 1st Class, and Acting Deputy Assistant Commissary General, 2nd Class, to officiate as Deputy Assistant Commissary General, 1st Class. Major A. Macqueen, Sub-Assistant Commissary General, 1st Class, to officiate as Deputy Assistant Commissary General, 2nd Class. Captain A. W. Montagu, Officiating Sub-Assistant Commissary General, 2nd Class, to officiate as Sub-Assistant Commissary General, 1st Class.	From 12th April 1865, and during the absence of Lieutenant-Colonel E. J. Simpson, Officiating Deputy Commissary General, or until further orders.

No. 481 *of* 1865.—The undermentioned Officer is admitted to the Bengal Staff Corps, with effect from the date specified opposite to his name, subject to the confirmation of the Right Hon'ble the Secretary of State:—

Lieutenant Adolphus Vallings, of Her Majesty's 108th Foot, Doing-duty Officer, 20th (Punjab) Regiment, Native Infantry.	30th April 1865.

No. 482 *of* 1865.—His Excellency the Governor General in Council is pleased to make the following appointment:—

PUNJAB IRREGULAR FORCE.

1st Infantry.

Lieutenant A. Vallings, of the Bengal Staff Corps, doing duty with the 20th (Punjab) Regiment, Native Infantry, to be Adjutant, *vice* Lieutenant Young.

The 12th May 1865.

No. 483 *of* 1865.—With reference to the Notification from the Foreign Department, No. 331 of the 28th April 1865, the services of Captain H. F. Bolton, of the Bombay Staff Corps, late Assistant Commissioner in the Central Provinces, are placed at the disposal of the Government of Bombay.

H. K. BURNE, *Lieut.-Col.*,
Offg. Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

No. 153.

ESTABLISHMENT.

Simla, the 6th May 1865.

Notifications.—Lieutenant G. L. B. Simmons, Assistant Engineer, 2nd Grade, joined the Rangoon Division of Public Works on the 22nd March 1865.

No. 154.

Mr. C. Blair, Assistant Engineer, 2nd Grade, attached to the 6th Division, Grand Trunk Road, N. W. P., passed the prescribed examination in Hindoostanee on the 26th of January 1865.

No. 155.

Mr. W. C. Rennie, late Probationary Assistant Engineer, Berar Division, Hyderabad, has been permitted to resign his appointment in the Public Works Department, with effect from the 23rd February 1865.

No. 156.

The six months' leave of absence, on medical certificate, commencing from the 22nd March 1865, granted by the Chief Commissioner of Oudh to Serjeant P. Conway, Overseer, 1st Grade, Seetapoor Division, is confirmed.

No. 157.

Mr. J. W. Inglis, Assistant Engineer, 1st Grade, Lucknow Division, Oudh, assumed charge of the Fyzabad Division on the 20th April 1865.

No. 158.

The privilege leave, for three months, commencing from the 20th April 1865, granted by the Chief Commissioner of Oudh to Captain G. Swetenham, R. E., Executive Engineer, 4th Grade, Fyzabad Division, is confirmed.

No. 159.

The three months' privilege leave granted by the Chief Commissioner of the Central Provinces to Mr. E. C. Smyth, Supervisor, 2nd Grade, 1st Division Great Northern Road, from such date as he may avail himself of the same, is confirmed.

No. 160.

The leave of absence, for one month, commencing from the 2nd April 1865, granted by the Chief Commissioner of Oudh to Private W. Scott, Overseer, 1st Grade, Fyzabad Division, is confirmed.

No. 161.

Mr. W. H. Pigott, Accountant, 2nd Grade, Public Works Department, Central Provinces, returned to duty on the 13th April 1865, from the leave of absence on medical certificate granted to him in Public Works Department Notifications No. 307, dated 10th November 1864, and No. 136 of 11th April 1865.

No. 162.

Mr. G. Glass, Supervisor, 2nd Grade, attached to the Upper Godavery Works of the Public Works Department, Central Provinces, is permitted to resign his appointment from the 5th March 1865.

No. 163.

Lieutenant J. H. Bedford, R. E., Executive Engineer, Dhar Road, Rajpootana Circle, is granted three months' leave from the 1st May 1865, for the purpose of studying the Native languages.

No. 164.

Corporal J. Herliby, Overseer, 1st Grade, Hyderabad, has been granted one month's leave of absence, on private affairs, from such date as he might avail himself of it.

No. 165.

Captain W. H. Burton, R. E., Executive Engineer, 4th Grade, assumed charge of his duties under the Executive Engineer of the Berar Division, Hyderabad, on the 3rd April 1865.

No. 166.

The 10th May 1865.

Captain G. Begbie, of the Madras Staff Corps, temporary Assistant Engineer, 2nd Grade, Upper Godavery Circle, is permitted at his own request, to resign his appointment in the Department, with effect from the 28th March 1865, and his services are re-placed at the disposal of the Government of Madras.

No. 167.

The privilege leave for two months, to commence from the 1st June 1865, or from such subsequent date as he may avail himself of it, granted by the Chief Commissioner of Oudh, to Mr. A. Penny, Assistant Engineer, 2nd Grade, Civil Divisional Engineer, Fyzabad Division, is confirmed.

No. 168.

Mr. W. McCracken, Accountant, 4th Grade, Mysore, returned on the 1st April 1865, from the privilege leave granted to him in Public Works Department Notification No. 110 of the 27th idem.

C. H. DICKENS, *Lieut.-Col.*, R. A.
Secy. to the Govt. of India.

No. 7.

REVENUE—FORESTS.

The 9th May 1865.

Notification.—Mr. D. Brandis, Inspector General of Forests to the Government of India, reported his departure for Europe by the Steam Ship *Simla*, which was left by the Pilot at Sea on the afternoon of the 25th April.

E. C. S. WILLIAMS, *Captain*, R. E.
Under-Secy. to the Govt. of India

ADVERTISEMENTS.

NOTICE.

NOTICE is hereby given that the interest and responsibility of Mr. John Borradaile in our Firm ceased on the 30th day of April last.

BORRADAILE, SCHILLER & Co.

May 1865.

MR. ROBERT STEWART is this day admitted a partner in our Firm.

CALCUTTA, *1st May* 1865. } GLADSTONE, WYLLIE & Co.

NOTICE.

MR. EDWARD CREATON's interest and responsibility in our Firm ceased on 30th April last.

CALCUTTA, 1st May 1865. } MACKENZIE, LYALL & Co.

NOTICE.

LOST.

Second half of the Currency Note No. 02933 for Rupees 50. Application has been made for the payment of the value to the Assistant Commissioner of Issue, Allahabad.

DWARKANATH CHATTERJEA,
For Captain A. F. CORBETT.

PRELIMINARY ANNOUNCEMENT.

IMPORTANT INDIGO FACTORIES FOR SALE.

To be sold by Public Auction on or about the 20th instant (unless previously disposed of by private contract)—

By order of the Mortgagees,

The well-known Indigo Factories called the Allumchund Concern, at Allahabad, with valuable Talook property attached thereto and Koontee crop now in the ground;

also,

The Koorsun Factory, Allahabad, with Koontee crop, both lately the property of N. Flouest, Esq., deceased. Further particulars and conditions of sale will be published, and in the mean while applications to be made to Messrs. W. Moran and Co., Old Mint Mart, Calcutta, and Messrs. Barrow, Sen, and Watson, Old Post Office Street, Calcutta.

IN THE DISTRICT COURT OF GALLE.

No. 23182.

In the Matter of WILLIAM NOEL BAGOT, *of Galle, an Insolvent.*

WHEREAS WILLIAM NOEL BAGOT, of Galle, has filed a Declaration of Insolvency, and a Petition for the Sequestration as Insolvent of his own Estate, under the Ordinance No. 7 of 1853, and it appears that he has been in actual custody within the walls of a Prison for debt for more than 21 days:—NOTICE is here given, that the said Court has adjudged him an insolvent accordingly, and that two Public Sittings of the Court, to wit, on the 30th day of May and 19th day of June next, will take place for the said Insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which Creditors are hereby required to take notice.

By Order of Court,

GALLE, 5th April 1865. } P. J. LUDOVICI, *Secretary.*

TO BE SOLD

BY the Registrar of the High Court in its Ordinary Original Jurisdiction, on an early day, of which Notice will hereafter be given, pursuant to an order of the said Court made in the matter of the Estate of Henry James Algeo, and Emma Louisa, his wife, against Charles Swinton Hogg, Esq., Administrator General of Bengal, and the Executor to the Estate of Louisa Ephraim Burford, deceased, dated 21st day of August 1863, the following property, *viz*:—

Lot No. 1.—All that the whole of the Government resumed lands, Touzee No. 507, situate in the village of Hazeegunge in the district of Purneah in the Province of Bengal, said to contain 272 biggahs, more or less, and paying an annual Government Revenue of Rupees 34.

Lot No. 2.—All that the Government resumed lands situate in the village of Murtuzapore, Pergunnah Havellee, in the district of Purneah in the Province of Bengal, said to contain 795 biggahs, more or less, and paying an annual Government Revenue of Rupees 80.

A. CARAPIET, *Attorney.*

HIGH COURT, &c., REGISTRAR'S OFFICE; *The 22nd April* 1865. } C. T. DAVIS, *Chief Clerk.*

THE SOONDERBUNS RECLAMATION AND Land Investment Company Limited.

NOTICE.

THE withdrawal of the Jessore Soonderbuns by Government having caused general dissatisfaction, and the inability of Government to give a complete title to those portions offered for sale, having created considerable distrust, the Promoters of this Scheme have decided to withdraw their Prospectus for the present.

In taking this step the Promoters do not abandon the project, but intend to memorialise the Secretary of State with the view of obtaining lands in the Soonderbuns under a good and sufficient title; meanwhile, the names of *bonâ fide* applicants, who have deposited money with the Bankers of the Company have been registered, and will have priority in future allotments.

The money deposited will be returned, on and after the 6th instant, by the Company's Bankers. Holders of Canning Shares, who have already paid deposits for Soonderbun Shares will likewise have the same refunded by the Secretaries on returning the Provisonal Letter of Allotment, and the undersigned will continue to register present holders of Canning Shares for privilege of allotment of Soonderbun Shares up to 30th June next: The deposit of Rs. 500 per Share is for the present dispensed with, but must be paid at the time of issue of Allotment Letter.

By Order of the Promoters,

CALCUTTA, 2nd May 1865. } BORRADAILE, SCHILLER & Co., *Secretaries & Treasurers.*

NOTICE.

THE Third Half-yearly Ordinary General Meeting of the Shareholders of the Calcutta Screwing Company "Limited," will be held at the Company's Office in the Bonded Warehouse at noon, on Wednesday the 10th June next, for the purpose of passing the accounts for the Half-year ending 30th April 1865, and of declaring a dividend.

CALCUTTA, *5th May* 1865. } T. C. CADOGAN, *Managing Director.*

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THE *GAZETTE OF INDIA.*

During the absence from Calcutta of the Members of the Government of India, or until further orders, the *Gazette of India* will be published at Simla. All communications, therefore, regarding the *Gazette* should be addressed to that Station.

Printed and Published for the Government of India by J. L. KINGHAM, *at the Government Press, Simla.*

No. 21.

The Gazette of India.

Published by Authority.

SIMLA, SATURDAY, MAY 27, 1865.

HOME DEPARTMENT.

LEGISLATIVE.

Simla, the 20th May 1865.

The following Bill and Statement of Objects and Reasons accompanying it, are published for general information by order of His Excellency the Governor General, under the 19th of the Rules for the conduct of Business at Meetings of the Council of the Governor General of India, for the purpose of making Laws and Regulations :—

Bill to provide for the appropriation of land required for private water-courses from Canals.

WHEREAS it is necessary to provide for the appropriation of land required for water-courses to be carried through estates situated between a Government Canal or any branch thereof, and the lands of any person or persons desiring to be supplied with water, it is hereby enacted :—

I. Whenever a proprietor or body of proprietors desire to bring water to their lands for the purposes of irrigation by means of a channel from a Government Canal or branch of a Government Canal through any intervening estate or estates, they shall make application accordingly to the Superintendent or Chief Canal Officer of the District within which their lands are situated.

II. On receipt of such application, the Canal Officer aforesaid shall proceed to make local inquiry into the necessity of the channel for the purpose stated, and if satisfied that it is necessary, he shall proceed under the following Rules.

III. It shall be competent to the local Government, whenever it may see fit to occupy the land required for such channel at the public expense, to proceed under Section 2, Act VI., 1857; and thereupon the provisions of Act VI., 1857, shall be applicable to the case.

IV. Where the land may not be occupied at the public expense, the Canal Officer aforesaid shall record a declaration to the effect that the channel in question is necessary for the irrigation of the lands of the applicants, and that to the best of his belief the line proposed involves no unnecessary injury to other interests. The direction and size of the channel, with specification of the width of the land required, and the masonry works (if any) to be constructed on it, shall be sufficiently indicated in the body of the declaration. A copy of the declaration shall be forwarded to the Collector of the District, and the Collector shall furnish the Lumburdar of the lands through which the channel is to pass, with a copy. The land shall not be occupied either by the applicant or by any Government Officer until the expiration of one month from the receipt of such copy by the Lumburdar.

V. At the expiration of the period specified in the previous Section, it shall be competent to the Canal Officer to mark off or cause to be marked off the limits of the land to be appropriated for the proposed channel. If the parties agree among themselves on the terms of compensation, and present to the Canal Officer or other Officers authorized by him a duly attested information to that effect, possession of the land may be at once given to the applicants.

VI. In the event of the parties failing to come to a settlement of the terms of compensation before the Canal Officer, he shall forward the papers of the case to the Collector, who shall proceed to adjust the compensation due to the owner of the land marked off, and to give possession of the same, under the procedure and with the powers provided in Act VI. of 1857, Sections 4 and following.

VII. It shall be competent to the local Government to lay down rules upon the following subjects,—which rules, when duly sanctioned by the Governor General in Council, shall be published in the local *Gazette*, and shall be held to be part of this Act, provided that nothing in such rules shall be inconsistent with the provisions of this Act :—

The rules may contain instructions on the following subjects, *viz.* :—

1*st.*—If the land be bought absolutely, the terms on which the original proprietors may regain possession of the same, in case the channel be discontinued.

2*nd.*—If the land be rented, the manner in which the rent is to be defrayed and the Government demand on the land discharged. Also the

terms on which the land may be restored to the proprietors if the channel be discontinued.

3rd.—The manner in which the rights of farmers and other temporary holders of the estate to which the channel belongs, in such channel, shall be adjusted.

4th.—The manner in which joint rights in a channel may be adjusted, and the manner in which such rights may be acquired or extinguished.

STATEMENT OF OBJECTS AND REASONS.

The existing law (Act No. VI. of 1857) contains provisions for the appropriation of land for public purposes, and under this law land is taken up for Canals and Rajbuhas (channels of distribution). It has been doubted, however, whether the law would apply to the case of one or more individuals claiming to run a watercourse to their fields through the lands of an intervening estate. When the land for such a channel is rented, or purchased, not at the expense of Government, but at the expense of the party benefitting by the channel, the above law clearly would not be applicable.

In such cases, likewise, it is important that the Government should control the proceedings so as to restrict the appropriation of the land within the narrowest limits possible. For although the applicant may have the right to claim waterway through his neighbour's estate, he is bound to exercise the right without inflicting any avoidable inconvenience or injury.

The Bill now published aims at accomplishing this object. No appropriation of land will be permitted under the authority of this enactment, until a competent Canal Officer shall have declared the channel to be necessary, and certified that, to the best of his belief, it involves no avoidable injury to other interests. Upon this declaration, authority is given to proceed in the same manner, and under the same checks, as if the land had been required for a public purpose.

The Bill also authorizes the local Government, with the sanction of the Governor General in Council, to make rules for the disposal of certain classes of claims likely to grow out of appropriations of land under this Bill; such as the title of the original proprietor to re-enter, in case the channel be discontinued; the liability for the Rent and Land Revenue of the land occupied, &c. Many of these questions are new, and the course to be pursued must in some measure be tentative. It would be difficult to anticipate and provide in this Bill for the various contingencies that may arise, and it has been thought better, for the present at least, to leave the rules and principles for dealing with such claims to be laid down by the Executive Government from time to time, as may be found expedient.

The necessity for the proposed enactment has arisen in the North-Western Provinces: but the measure will probably be found equally applicable to the Punjab and other parts of the country where there are Government Canals.

The Bill has been approved by the Hon'ble the Lieutenant Governor, North-Western Provinces.

W. MUIR.

E. C. BAYLEY,
Secy. to the Govt. of India.

HOME DEPARTMENT.

No. 475.

Simla, the 13th May 1865.

Notification.—The following Rules relating to Emigration from the Port of Madras have been made by the Governor General in Council, under the provisions of Section 63 of Act XIII. of 1864, and are published for general information:—

Rules for observance in the operations connected with the recruiting and despatch of Emigrants to British and French Colonies.

I. Each Recruiter, on proceeding up-country, shall be furnished by the Agent with a printed paper, bearing the Protector's signature, in English and the Vernacular of the District in which he is to be employed, setting forth the chief conditions under which the emigrants will have to proceed.

II. Each Recruiter, unless specially exempted by the Protector, shall wear on his left arm a badge with the following inscription, in English and the Vernacular of the District in which he is employed; and if he is found exercising his calling without his badge so placed, and plainly visible, his license will be withdrawn:—

Recruiter of emigrants for * * * *

III. Recruiters are to be especially careful not to entertain people, male or female, as emigrants, who may be improperly abandoning their families, nor to allow young persons, under 18 years of age, to join their bands on the road, without being accompanied by some relation of mature age. If application from the families of people who have left their homes under such circumstances, whether at Madras or up-country, is made, requesting that their embarkation might not take place, the Protector will forbid their proceeding on board, or, if on board, will cause them to be landed, if, after inquiry, such a step appears to be just and reasonable.

IV. The Recruiter shall, with all despatch, proceed with the emigrants to Madras by land or water, or appoint a person, whose fitness shall be certified by the passing Magistrate, to accompany them—providing them during the journey with suitable lodging, and adults with two annas a day for food, and children under ten, including infants, with half that sum. If proceeding by sea, their passage shall be engaged by steamer, or by sailing vessel when the wind is fair, but not otherwise.

V. It will be preferable that a depôt be enclosed by a hedge, not a wall; but if the latter be considered necessary, it shall not be higher than five feet.

VI. The medical examination of emigrants is not intended to exclude persons unfit to work who are proceeding with their families, or who, for any other reason, are permitted by the Agent to embark. It should simply be to decide whether the parties are physically capable of undertaking the voyage.

VII. Boats shall be provided in accordance with the following scale:—

In Ships of 200, and under 500 tons, if the statute adults do not exceed 200 ... ... 3 Boats.

In Ships of 500 tons, and under 700 tons, and 300 statute adults ... 4 „

In Ships of 700 tons, and under 900 tons, and 400 statute adults ... 5 „

In Ships of 900 tons, and under 1,200 tons, and 500 statute adults 6 „

One boat shall be a long boat, and one a life boat.

VIII. The vessel being passed, the Agent will forward to the Protector samples of the provisions to be laid in; and on these being approved, the quantities, according to the scales appended hereto, are to be shipped, and a certificate, signed by the Agent and Commander, is to be submitted, to the effect that they have been shipped, and are of the same quality as the samples.

Tables A. and D.

IX. Every emigrant ship shall be provided with Medical Stores, in accordance with the scales appended, which shall be submitted to the Medical Inspector three days before the embarkation. The ship's Surgeon will present himself to the same officer on the following day, and, the medicines having been passed, the Agent will forward the Protector a certificate of their approval, as well as one of actual shipment, signed by the ship's Surgeon as well as by himself.

Tables B. and E.

X. The Surgeon will in all cases be subject to the approval of the Medical Inspector of Emigrants, whose certificate of approval is to be forwarded to the Protector.

XI. Should the Surgeon be unable to converse with the emigrants in their Vernacular language, one Interpreter must be engaged for ships proceeding to Colonies east of the Cape; and in all cases three must be employed in those proceeding west of the Cape.

XII. The above preparations having been completed, the vessel will be fitted up and prepared as follows:—

1.—The upper deck and the space to be occupied by the emigrants below must be perfectly clear, with the exception of the fittings.

2.—The decks, upper and lower, must be perfectly clean, and the sides and upper part white-washed.

3.—Light spars must be lashed to the midship stanchions fore and aft, three feet from the deck.

4.—Three dirt tubs, one and a half feet high and two and a half feet in diameter, must be cleated on the lower deck—one forward, a second amidships, and the other aft.

5.—Ladders must be fitted at each hatchway.

6.—A sick bay must be erected on the lower deck, to be divided in half for different sexes; and one, not to be included in the space allotted for berthing the emigrants, assigned on the upper deck for epidemic disease.

7.—Two air shafts, not less than three feet square, must be fitted, leading from the upper to the lower deck—one aft, the other forward; also four metal ventilators—two aft and two forward.

8.—Should the vessel not be provided with side scuttles, such additional ventilation through the upper deck, as the Protector may have ordered, must be provided.

9.—One booby, or slide hatch, must be placed on two hatchways.

10.—A windsail must be hoisted at each hatchway.

11.—Two scuttle butts must be placed on the upper deck for the use of the emigrants.

12.—Four life buoys must be triced up—two forward and two aft.

13.—Sufficient cooking places must be firmly secured on the upper deck, with boilers complete.

14.—Necessaries must be put up on board, on each side of the upper deck (not in the head), in the proportion of one to every 75 adults to be embarked, to have a shoot lined with metal to carry off the soil clear of the ship's side, and each supplied with a can and bucket of water.

NOTE.—One of these to be appropriated exclusively to the women and children.

15.—A platform must be erected over the long boat for the special use of the emigrants.

16.—Boats must be provided, clear and ready for use, with oars, rowlocks, and boat hooks.

17.—Charts, necessary for the voyage, must be provided, as well as a copy of the Law of Storms by Piddington, or other well known writer.

XIII. On the day previous to examination of the vessel by the Protector, the Agent or Commander shall forward to the Protector lists as follows:—

1.—Of cabin passengers and their servants.

2.—Of officers and crew, including two topasses or scavengers expressly engaged for the emigrants.

3.—Of provisions actually shipped, signed by the Agent as well as himself.

4.—Certificate of approval of the medicines by the Medical Inspector.

5.—Certificate of their shipment, signed by the Agent and Ship's Surgeon.

6.—Of clean bill of health by the Medical Inspector.

XIV. The Protector will then examine the vessel, and should the examination prove satisfactory, he will authorize the embarkation of the emigrants, provided the Medical Inspector is satisfied that there is nothing in the state of their health to render it unadvisable.

XV. The Protector shall have the power to delay the embarkation, if, in his opinion, the weather is likely to be boisterous.

XVI. Clothing and utensils shall be supplied to each emigrant, according to the scales annexed, and shall be shipped immediately after the emigrants have embarked.

XVII. The Regulations having been complied with, the Protector will deliver the license to the Commander or Agent.

TABLE A.

Provisions, Firewood, Water, and Stores for a Ship conveying Emigrants from Madras to Mauritius or Réunion.

PROVISIONS.

For every statute adult the ship is licensed to carry.

Articles.	Quantity per day.	REMARKS.
Rice	24 ounces.	
Dholl	4 „	
Ghee	1 „	
Oil, Gingely	½ „	
Salt	1 „	
Turmeric	½ „	
Onions	1 „	
Tobacco	1 „	
Chillies	¼ „	
Tamarind	2 „	
Salt-fish	2 „	
Coriander	½ „	
Garlic	¼ „	
Mustard, Pepper, and Cummin Seeds	¼ „	
Soapnut	¼ „	

For one week, or seven days, in addition to the above.

Choorah (Avil)	2 lbs. per day.	One week's supply of Avil, Gram and Sugar to be taken on board and served out when the weather is such as to prevent cooking; 1 lb. of biscuits may be substituted for 2 lbs. of Choorah to those who desire it.
Gram, Bhoot	¼ „ „	
Sugar	2 oz. „	

Firewood.

For 100 statutes or less	... ...	400 lbs. per day.
Above 100 and less than 200	... ...	600 „ „
„ 200 „ 300	... ...	700 „ „
„ 300 „ 350	... ...	750 „ „

Water.

The quantity of water allowed to each emigrant, children included, to be not less than five Imperial gallons per week; but if the vessel has a distilling apparatus, the quantity may be reduced by one-third.

Memorandum of additional articles and fittings required for the voyage.

Lime juice	2 gallons	per 100 men.	
Rum or Brandy ...	1 „	„ do.	
Port Wine	6 bottles	„ do.	
Pumpkins, large ...	45	„ do.	
Biscuits	120 lbs.	„ do.	
Bale fruit	50 in No.	„ do.	
Potatoes	3 maunds	„ do.	
Sheep...	4 in No.	„ do.	
Preserved Milk ...	6 gallons	„ do.	
Fowls	24 in No.	for 12 infants.	
Boilers with covers and ladles	2	per 100 men.	
Hatchet for cutting wood ...	1	„ do.	
Curry Stone with roller ...	1	„ do.	
Swabs	3	„ do.	
Brooms	12	„ do.	
Buckets	5	„ do.	
Booby Hatch	2		
Hanging Stove	1		
Scuttle Butts	2		
Oil, Cocoanut	4	gallons.	
Wind Sails to each Hatchway ...	1		
Air Shafts, 3 feet square	2		
Deck Ventilators	4		
Life Buoys	3		
Dirt Tubs	3		
Sick Bay	2		
Necessaries	4		
Bull's-eye Lamps with padlocks ...	2		
Cabooses	2		
Rockets	24		
Blue Lights	24		
Storm Book	1		

TABLE B.

THE MEDICINES.

Proportion of Medicines necessary for a ship carrying Emigrants to Mauritius or Réunion.

(50 per cent. to be added for ships proceeding to Natal or Queensland).

Names of Medicines.	For 100 Men.	For 200 Men.	For 300 Men.	For 400 Men.
Calomel	One ounce and half	Two ounces	Three ounces	Four ounces.
Blue Pill	One ounce	Two ounces	Three ounces	Four ounces.
Rhubarb Powder	One ounce	Two ounces	Three ounces	Four ounces.
Compound Jalap Powder	Six ounces	Eight ounces	Twelve ounces	Sixteen ounces.
Ipecacuanha Powder	One ounce	One ounce and half	Two ounces and half	Three ounces.
Opium	One ounce	Two ounces	Three ounces	Four ounces.
Dover's Powder	One ounce	One ounce and half	Two ounces	Three ounces.
Magnesia	One ounce	Two ounces	Three ounces	Four ounces.
Epsom Salts	Three pounds	Six pounds	Nine pounds	Twelve pounds.
Tartar Emetic	Two drachms	Four drachms	Six drachms	One ounce.
Quinine	One ounce	One ounce	Two ounces	Two ounces and half.
Antimonial Powder	Two drachms	Four drachms	Six drachms	One ounce.
Extract of Colocynth Comp.	Four drachms	One ounce	One ounce and half	Two ounces.
Carbonate of Ammonia	Six drachms	One ounce	One ounce and half	Two ounces.
Assafœtida	Four drachms	One ounce	One ounce and half	Two ounces.
Camphor	Six drachms	One ounce	One ounce and half	Two ounces.
Camphorated Liniment	Eight ounces	Twelve ounces	Sixteen ounces	Twenty ounces.
Catechu	One ounce	Two ounces	Three ounces	Four ounces.
Prepared Chalk	One ounce	Two ounces	Three ounces	Four ounces.
Tincture of Opium	Four ounces	Six ounces	Eight ounces	Twelve ounces.
Turpentine	Eight ounces	Twelve ounces	One pint	Twenty ounces.
Senna Leaves	Four ounces	Eight ounces	Twelve ounces	One pound.
Blistering Plaster	Four ounces	Six ounces	Eight ounces	Twelve ounces.
Sulphur Sublimed	Eight ounces	Ten ounces	Twelve ounces	One pound.
Sulphur Ointment	Six ounces	Eight ounces	Twelve ounces	One pound.
Linseed Flour	Two pounds	Four pounds	Six pounds	Eight pounds.
Country Soap	Twelve ounces	One pound and half	Two pounds	Three pounds.
Castor Oil	Three bottles	Six bottles	Eight bottles	Twelve bottles.
Oil of Peppermint	One ounce	Two ounces	Two ounces	Two ounces.
Adhesive Plaster (spread)	One yard	Two yards	Two yards	Two yards.
Simple Ointment	Eight ounces	Twelve ounces	One pound	One pound and half.
Ringworm Ointment	Eight ounces	Twelve ounces	One pound	One pound & quarter.
Jeremie's Opiate	One small oz., phial	Two dozens phial	Two ounces phial	Two oz. phial.
Aromatic Spirit of Hartshorn	Two ounces	Three ounces	Three ounces	Three ounces.
Cholera Pills in phial	Six dozens	Six dozens	Six dozens	Six dozens.
Cubeb Powder	Two pounds	Two pounds	Two pounds	Two pounds.
Sweet Spirit Nitre	Eight ounces	One pound	One pound	One pound.
Copaiba	Eight ounces	One pound	One pound and half	One pound and half.
Sulphate of Copper	One ounce	One ounce	One ounce	One ounce.
Sulphate of Zinc	Half ounce	Half ounce	Half ounce	Half ounce.
Lunar Caustic	Two drachms	Three drachms	Four drachms	Four drachms.
Hydrarg C. Creta	Two drachms	Three drachms	Four drachms	Six drachms.
Plumbi: Acetas	Four drachms	Six drachms	One ounce	One ounce & 2 drachms.
Pulvis: Acacia	Two ounces	Three ounces	Four ounces	Six ounces.
„ Croto: C. Opio:	Four drachms	Six drachms	One ounce	One ounce & 2 drachms.
Acid: Sulphuric dil.	One ounce	One ounce, 4 drachms	Two ounces	Two ounces & 4 drachms
„ Tartaric	Six drachms	One ounce, 2 drachms	One ounce, 4 drachms	Two ounces.
Tinct: Camph: Comp.	Three ounces	Four ounces	Six ounces	Eight ounces.
„ Ferri: Sesquichl:	One ounce	One ounce, 4 drachms	Two ounces	Three ounces.
Sodæ: Sesquicarb:	One ounce, four drachms	Two ounces	Three ounces	Four ounces.
Sir W. Burnett's Disinfecting Fluid or	7 gallons	Twelve gallons	Seventeen gallons	Twenty-two gallons.
Norton's Carbolic Acid	30 gallons	Forty-five gallons	Sixty gallons	Seventy gallons.
INSTRUMENTS.				
Glass measure (1 oz.)	One	One	One	One.
Glass measure (drop)	One	One	One	One.
Pestle and Mortar (Wedgewood)	One	One	One	One.
Scales and Weights (grains)	One set	One set	One set	One set.
Splints (Common)	One set	One set	One set	One set.
Lint (prepared)	Two ounces	Three ounces	Four ounces	Six ounces.
Cloth for Bandage	One piece	Two pieces	Two pieces	Two pieces.
Lancets (bleeding)	One	One	Two	Two.
Silver cathetor (middle size)	One	One	One	One.
Spatula	One	One	One	One.
Scissors, Dressing	One	One	One	One.
Infusion Pots	One	Two	Two	Two.
Bed Pans (metal)	Two	Two	Three	Three.
Country Paper	One quire	One quire	Two quires	Two quires.
Penknife	One	One	One	One.
Sago	Five pounds	Ten pounds	Fifteen pounds	Twenty pounds.
Arrow Root	Five pounds	Ten pounds	Fifteen pounds	Twenty pounds.
Small Tin Box	One	One	One	One.
Enema	One	One	One	One.

I hereby certify that the Medicines according to the above scale have been shipped on board the for the use of adults, Emigrants proceeding to

EMIGRATION OFFICE, of 186 .

———————— *Surgeon.*

———————— *Emigration Agent.*

TABLE C.

Clothing to be supplied to Native Emigrants from Madras to Mauritius or Réunion.

For each adult Male Emigrant.

1 Cumblie (Native Blanket).
2 Dhovtees (Waist Cloths).
1 Cotton Merzæ or Jacket.
1 Chintz Cap.
1 Tin Plate and 1 tin Mug.
1 Flannel Banian.

For each Boy.

1 Cumblie (Native Blanket).
2 Dhovtees (Waist Cloths).
1 Cotton Merzæ or Jacket.
1 Chintz Cap.
1 Tin Plate and 1 tin Mug.
1 Flannel Banian.

For each adult Female Emigrant.

1 Cumblie (Native Blanket).
2 Saddies (Cloths).
1 Tin Plate and 1 tin Mug.
1 Flannel Banian.

For each Girl.

1 Cumblie (Native Blanket).
2 Saddies (Cloths).
1 Tin Plate and 1 tin Mug.
1 Flannel Banian.

For each Infant.

2 Yards of coarse cloth for covering; and
1 Flannel Banian.

For sick Emigrants.

5 Extra Cumblies for every 100 men.
6 Flannel Belts do. do.

TABLE D.

Provisions, Firewood, Water, and Stores for a Ship conveying Emigrants from Madras to Colonies in the West Indies.

PROVISIONS.

For every statute adult the ship is licensed to carry for 18 weeks.

Articles.	Quantity per day.	Articles.	Quantity per day.
Rice	24 oz.	Salt-fish	2 oz.
Dholl	4 „	Coriander seed	2 drs.
Ghee	1 „	Garlic	½ „
Oil, Gingely	½ „	Mustard ... }	
Salt	1 „	Pepper ... } seed	2 „
Turmeric	½ „	Cummin ... }	
Onions	2 „	Soapnut for the voyage for each adult	2 lbs.
Tobacco	1 „	Betel	4 „
Chillies	½ „		
Tamarind	2 „		

For 18 days in addition to the above.

Choorah or Avil...	2 lbs.	To be served out when cooking is prevented by bad weather. One pound of biscuit to be substituted for 2 lbs. choorah to those who prefer it.
Gram, Bhoot	½ „	
Sugar	2 oz.	

Firewood.

For	100 statutes or less	... ...	400 lbs. per day.
Above	100 and less than 200	... ...	600 „ „
„	200 „ 300	... ...	700 „ „
„	300 „ 350	... ...	750 „ „

Water.

The quantity of water allowed to each Emigrant, children included, to be not less than five Imperial gallons per week; but if the vessel has a distilling apparatus, the quantity may be reduced by one-third.

Additional articles and fittings required for the voyage.

Lime juice, 10 gallons per 100 men.		
Rum or Brandy, 20 gallons		„
Port Wine, 12 bottles		„
Pumpkins ... / Yams and Potatoes, ...	1,000 lbs.	„
Biscuits, ...	360 lbs.	„
Bale Fruit, ...	50 in No.	„
Sheep or Goats,	20 in No.	„
Preserved Milk, 1,000 pints		„
Country Soap, 80 lbs.		„
Europe Soap, 112 lbs.		„
Tea, ...	2 lbs.	„
Condensed Eggs,* 20 lbs.		„
Sugar,* ...	56 lbs.	„
Soojee, Oatmeal, Sago and Arrow Root, ...	*750 lbs.	„
Water for sick,* 600 gallons		„

Cabooses, double	2	in No.
Boilers, iron with ladles ...	4	
Hatchets for cutting wood ...	1	per 100 men.
Curry Stone with roller ...	1	„
Buckets	10	„
Swabs	12	„
Brooms	40	„
Scuttle Butts	2	in No.
Oil, Cocoanut	20	gallons.
Wind Sails to each Hatchway ...	1	in No.
Booby Hatches	2	„
Air Shafts of 9 superficial feet aperture	2	„
Deck Ventilators	4	„
Life Buoys	4	„
Dirt Tubs	3	„
Sick Bay	2	„
Hanging Stoves	1	„
Necessaries, double	4	„
Bull's-eye Lamps with padlocks..	2	„
Rockets	24	„
Blue Lights	24	„
Storm Book	1	„

The articles marked * are to be issued at the discretion of the Surgeon for the use of children under six years of age.

TABLE E.

List of Medicines.

Articles.		Statute Adults.			
		100	200	300	400
Calomel	... oz.	3	4	6	8
Blue Pills	... „	3	4	6	8
Rhubarb Powder	... „	2	4	6	8
Compound Jalap Powder	„	12	18	24	32
Ipecacuanha Powder	... „	2	3	5	7
Opium	... „	8	16	24	32
Dover's Powder	... „	2	3	4	5
Magnesia	... „	2	4	6	8
Epsom Salts	... lb.	6	12	18	24
Tartar Emetic	... dr.	4	8	12	16
Quinine	... oz.	4	5	6	7
Antimonial Powder	... dr.	8	10	12	14
Extract of Colocynth compound	... oz.	2	3	4	5
Carbonate of Ammonia	... „	1½	2	3	4
Blistering Fluid	... „	4	5	6	7
Grey Powder	... „	2	3	4	5
Acid, Sulph. Dilut.	... „	6	9	12	15
Tinct. of Catechu	... „	6	9	12	15
Morph. Hydrochl.	... dr.	1	2	3	4
Chloroform	... oz.	2	3	4	5
Chiretta	... lb.	2	2½	3	3½
Friar's Balsam	... oz.	2	3	4	5
Lig. Plumbi. Diacetat.	... „	3	6	9	12
Sugar of Lead	... „	2	3	4	5
Cerat. Calamin	... lb.	½	1	1½	2
Strong Mercurial Ointment	... oz.	8	12	16	20
Alum	... „	8	12	16	20
Olive Oil	... lb.	1	1½	2	2½
Compound Tincture of Camphor (Paregoric)	oz.	6	8	10	12
Nitrate of Potass	... „	4	6	8	10
Creosote	... dr.	1	2	3	4
Tinct. of Iodine	... oz.	2	2½	3	3½
Essence of Ginger	... „	1	1½	2	2½
Bicarbonate of Soda	... lb.	2	3	4	5
Compound Chalk Powder with Opium	... oz.	2	4	6	8
Ginger Powder	... „	2	3	4	5
Europe Mustard	... lb.	1	1½	2	2½
Vinegar	... „	1	1½	2	2½
Compound Rhubarb Pills	oz.	2	3	4	5
Purgative Pills*	... No.	100	150	200	250
Diarrhœa Pills†	... „	100	150	200	250
Leeches	... „	50	75	100	125

Articles.		Statute Adults.			
		100	200	300	400
Gum Arabic	... oz.	6	8	10	12
Acid Tartaric	... lb.	1	2	3	4
Croton Oil	... dr.	2	3	4	5
Scammony	... oz.	1	1½	2	2½
Sulphate of Iron	... „	1	1½	2	2½
Compound Extract of Gentian	... „	1	2	3	4
Iodide of Potassium	... „	1	2	3	4
Camphor	... „	4	6	8	10
Camphorated Liniment	„	16	24	32	40
Prepared Chalk	... „	8	12	16	20
Tincture of Opium	... „	8	12	16	20
Turpentine	... „	16	24	32	40
Senna Leaves	... „	8	16	24	32
Blistering Plaster	... „	8	12	16	20
Sulphur Sublimed	... „	16	20	24	40
Sulphur Ointment	... „	12	20	28	36
Linseed Flour	... lb.	4	8	12	16
Castor Oil	... bot.	6	12	18	24
Oil of Peppermint	... oz.	2	3	4	5
Adhesive Plaster spread	yds.	4	6	8	10
Simple Ointment	... oz.	16	24	32	40
Ringworm Ointment	... „	16	24	32	40
Jeremie's Opiate	... „	2	4	5	6
Aromatic Spirits of Ammonia	... „	4	6	8	10
Cholera Pills in phial	...doz.	6	9	12	15
Cubeb Powder	... lb.	1	2	3	4
Sweet Spirits of Nitre	... „	½	1	1½	2
Copaiba	... „	½	1	1½	2
Sulphate of Copper	... oz.	1	2	3	4
Sulphate of Zinc	... „	1	2	3	4
Lunar Caustic	... dr.	4	6	8	10
Prepared Lint	... oz.	8	12	16	20
Long Cloth for Bandages	yds.	18	24	30	36
Hydrarg. C. Creta	... dr.	6	8	10	12
Plumbi: Acetas	... „	8	10	12	14
Pulvis: Acacia	... oz.	3	4	4¾	5½
Do. Creto: C. Opio	... „	1	1¼	1½	1¾
Acid Sulphuric: dil.	... „	1½	2	2½	3
Do. Tartaric	... „	1¼	1½	2	2½
Tinct: Camph: Comp.	„	4	6	8	10
Do. Ferri: Sesquichl.	„	2	3	3½	4
Sodæ Sesquicarb	... „	3	3½	4	4½
Sir W. Burnett's Disinfecting Fluid	... gall.	14	22	30	36
Norton's Carbolic Acid	„	60	90	120	140

* Purgative Pills, Rt. Ext. Colocynth Co. ss.
Pill. Rei. Co.
Pul. v. Scammon a—a grs. xv.
m. f. h. Pill. xij—two or three the dose.

† Diarrhœa Pills, Rt. Cupri. Sulphat. grs. xij.
Opii grs. xxiv.
m. f. Pill. xij.—one thrice daily.

List of Instruments, &c.

1 Capital case of Amputating and other Surgical Instruments with Needles, Ligatures, Silk, &c.
2 One-ounce Glass Measures.
2 Minim Glass Measures.
1 Pestle and Mortar.
1 Set of Weights and Scales (Grains in box).
2 Sets of common Splints.
2 Sets of Bleeding Lancets.
2 Silver Catheters (Nos. 9 and 12).
2 Spatulas.
1 Pocket Dressing Case.
2 Infusion Pots.
1 Quire of Country Paper for every 100 men.
1 Penknife.
1 Enema apparatus.
1 Metal Bed Pan for every 100 men.
4 oz. Sponge.
1 Pewter Pint (XX. measures).
2 lbs. Tow.
1 Tin Funnel.
1 Read's Enema Syringe and Stomach Pump.
1 Urethra Syringe for every 100 men.
1 Pewter Enema Syringe (oz. 4).
1 Blood Porringer (oz. 16).
10 yards Country Flannel for every 100 men.
1 dozen Phial Corks; 1 dozen Bottles.
1 Slab for Pills.
6 dozen Pins.

TABLE F.

Clothing to be supplied to Native Emigrants from Madras to Colonies in the West Indies.

For each Male Adult or Boy.

1 Woollen Trowser.
1 Cotton Cloth Trowser.
1 Woollen Coat.
2 Cotton Jackets.
2 Doveties or Waist Cloths.
1 Red Woollen Cap.
1 pair worsted Stockings.
2 Cumblies or Blankets.
1 Teessalah or Dish.
1 Lotah or Pot.
1 pair of Shoes

For each Female Adult or Girl.

2 Flannel Jackets.
1 Woollen Petticoat.
1 Sadi or Cloth.
2 Cumblies or Blankets.
1 Teessalah or Dish.
1 Lotah or Pot.
1 pair worsted Stockings.
1 pair of Shoes.
1 Wooden Comb.

For each Infant.

1 Flannel Coodtha or Jacket.
2 yards Coarse Cloth.

Spare Clothing for every 50 Emigrants.

6 Flannel Banians.
6 „ Caps.
6 pairs worsted Socks.
4 Woollen Trowsers.
4 „ Shirts.

NOTE.—One double blanket in addition for every Emigrant leaving between the 1st March and 15th September.

No. 648.

The 22nd May 1865.

Notifications.—Lieutenant J. W. W. Costley, Her Majesty's 23rd Royal Welsh Fusiliers, Officiating Assistant Superintendent of Police, British Burmah, is confirmed in that appointment.

No. 649.

The Governor General in Council is pleased to appoint Mr. J. Prince, Officiating Assistant District Superintendent of Police in Oudh, to be Superintendent of the Lucknow City Police, from the 19th ultimo, *vice* Mr. D. Blenman, deceased.

No. 652.

Major J. J. Fulton is invested with the powers described in Section 1 of Act XV. of 1862, while officiating as Deputy Commissioner of Mundla in the Central Provinces.

No. 654.

Mr. E. Foy, Assistant Revenue Surveyor, 4th Division, Central Provinces, is allowed six months' leave of absence on private affairs, from the 15th April 1865, under para. 12, Clause 1 of the New Uncovenanted Service Leave Rules.

Mr. W. Ellison, Assistant Revenue Surveyor, 2nd Division, Central Provinces, is allowed seventeen days' privilege leave of absence, from the 23rd January 1865.

Mr. E. C. Barratt, Sub-Assistant Revenue Surveyor, 2nd Class, 4th Division, Central Provinces, is allowed three months' leave of absence on urgent private affairs, from the 1st May 1865, or from such date as he may avail himself of it.

No. 656.

Lieutenant W. Vertue is invested with the powers of a Subordinate Magistrate of the 1st

Class, described in Chapter 2, Section 22 of Act XXV. of 1861, while officiating as Assistant Commissioner of Nagpore in the Central Provinces.

No. 658.

The following Notice has been received for publication from the Superintendent of the Alguada Reef Light House, in a letter dated the 27th April last :—

" COASTS OF BRITISH BURMAH.

" *Alguada Reef Light House.*

" A first class Revolving Holophotal Light, showing a bright white light once in a minute, will probably be shown from the Alguada Reef, in the Bay of Bengal, on or about the 1st May 1865.

" The height of the centre of the light will be 144 feet above high water, and the light will be visible from the deck of a ship about twenty (20) nautical miles.

" Cape Negrais bears *from* the Light House North quarter West.

" The Pagoda on Pagoda Point, North three-quarter East.

" The centre of Diamond Island, North North-east.

" Porian Point, North-east by North.

" A further notice will be issued when the above light is actually lit."

(Sd.) A. FRASER, *Lieut.-Col.*, R. E.

No. 664.

The Governor General in Council is pleased to extend the provisions of Section 34 of Act V. of 1861, to the undermentioned towns within the Central Provinces :—

District.	*Town.*
Nagpore	Katole.
	Sawurgaon.
	Beewapore.
	Kulmishwur.
Bhundara	Toomsur.
	Moharee.
Wurdah	Deolee.
	Sailoo.
	Arvee.
	Manudgaon.
	Anjee.
	Ashtee.
	Sindee.
	Alleepore.
Jubbulpore	Gurha.
Saugor...	Gurhakotah.
Hoshungabad	Sohagpore.
Belaspore	Ruttunpore.

No. 666.

Mahomed Boodun is invested with the powers of a Subordinate Magistrate of the 2nd Class, described in Chapter 2, Section 22 of Act XXV. of 1861, while officiating as Extra Assistant Commissioner of Wurda in the Central Provinces.

No. 668.

The 23rd May 1865.

In continuation of Notification No. 676, published in the *Gazette of India* of the 18th June 1864, the following Despatch from the Right Hon'ble the Secretary of State, No. 19, dated 15th April, is published for general information :—

JUDICIAL. INDIA OFFICE;
No. 19. *London, the 15th April* 1865.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,—I have to request that the following Rule may be substituted for Rule 9 of the " Revised Rules relating to furloughs and leave of absence for Judges of the High Court" :—

" Short leave on private affairs may be granted to the Judges of the High Court, under Sections 6, 7, and 8 of the Rules on leave applicable to Covenanted Civil Servants, published in a Notification of the Government of India, dated the 16th of December 1864, No. 3890 (Financial Department)."

I have, &c.,

(Signed) C. WOOD.

No. 670.

Appointment.—Captain Harold Lewis, Officiating Master Attendant at Rangoon, is confirmed in that appointment from the date of Captain Brooking's admission to pension.

No. 672.

Notifications.—The Revd. Arthur Stone, of the Bengal Ecclesiastical Establishment, has been granted by the Right Hon'ble the Secretary of State for India, an extension of leave for six months on medical certificate.

No. 673.

The 25th May 1865.

Dr. S. C. Townsend, Civil Surgeon of Nagpore, is invested with the powers of a Magistrate, to be exercised within the precincts of the Jail at Nagpore.

No. 675.

Moung Pho, Extra Assistant Commissioner, 3rd Grade (Myooke), British Burmah, is invested with the powers of a Subordinate Magistrate, 2nd Class, described in Section 22 of Act XXV. of 1861.

No. 691.

The 26th May 1865.

The services of Lieutenant J. S. D. Bennet are replaced at the disposal of the Government of Madras.

E. C. BAYLEY,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

No. 223.

REVENUE.

Simla, the 25th May 1865.

Notification.—His Excellency the Governor General in Council is pleased to notify the following alterations in the revised Rules for the sale of Waste Lands in Oudh, published in Foreign Department Notification No. 15, dated 10th January 1865 :—

For Rules 11 and 12, the following Rule is substituted :—

11 and 12.—"The purchaser at a sale held under the preceding Rules or at a general sale of Waste Lands, surveyed and demarcated at the cost of the State, shall be required to deposit at the time of purchase 10 per cent. of the purchase money in cash or Government Securities, plus the costs of survey, failing which the sale shall be void, and the lot shall be put to sale on the same day, or on the next open day. Provided always that it shall be at the option of the Officer conducting the sale to accept an offer by any party present, of the price at which the lot was knocked down to the defaulting purchaser, such offer to be accompanied by a tender of 10 per cent. of the amount, and the costs of survey. In the event, however, of the defaulting purchaser being the party who deposited the costs of survey under Rule 6, the same shall be refunded to him."

Rules 13 and 14 will be read as follows :—

13.—"If the purchaser pay 10 per cent. in the manner hereinbefore provided, and the Commissioner has rejected any appeals preferred against the order of the Collector rejecting claims to the land, or against any alleged informality sufficient to invalidate the sale, then the Collector shall grant to the purchaser a deed signed by himself, and in the annexed form, which shall be held to convey to him a full hereditary and transferable proprietary right in the land sold, and to absolve it from all demand for land revenue by Government, and all claims whatever of previous right of any kind, by whomsoever preferred; but the land shall remain liable for payment of the purchase money, with interest at 10 per cent., and to all general taxes and local cesses to which other lands paying revenue are liable, and to all claims by third parties, according to the provisions of the Act to be passed on the subject. The deed shall also prescribe the mode and time of payment of the remainder of the purchase money, which shall be as the purchaser pleases, provided not less than 10 per cent. of the original sum, with 10 per cent. on all arrears from the last preceding payment, be paid yearly on or before the anniversary of the date of sale."

14.—"Failure to pay any instalment or portion of instalment, subsequent to that paid at time of purchase, or of any arrears of interest, shall render the lot liable to be sold for realization of the arrears, &c. On failure occurring, the Collector shall immediately give notice to the owner, if resident in the district, or to his agent or servant in the land, and shall advertize the amount of arrears, with all necessary particulars, in two successive numbers of the *Government Gazette*, and of two of the principal English and Vernacular papers of the province; and these advertisements shall be considered sufficient notice, if the principal or his agent do not receive personal notice. But resale shall not be advertized until three months after the date of failure, within which period the Collector shall be at liberty, if he sees fit, to receive the arrears if tendered by the owner, and such receipt shall be held to condone the failure. The Rules above prescribed for sale shall apply to a resale under this Section, except that the bid shall not be at so much per acre, but in round sums for the lot as it stands; and the purchaser must pay 10 per cent. on the day of sale, or in default, the lot shall be again put for sale on the same or to the next open day, and the remainder within 30 days thereof, otherwise the sale shall be cancelled : the 10 per cent. paid shall be forfeited, and the lot resold after re-issue of the advertisements and notices, as prescribed above, for a sale.

No. 1113.

GENERAL.

The 22nd May 1865.

Notifications.—The services of Major H. Dixon, 22nd M. N. I., employed temporarily under the Mysore Commission, are replaced at the disposal of the Military Department from the 1st proximo.

No. 1116.

Captain J. G. Bell, Deputy Commissioner of Maikur, Hyderabad Assigned Districts, has obtained privilege leave of absence for one month from the 15th instant, or from the date on which he may avail himself of it.

No. 1118.

Lieutenant-Colonel R. T. Snow, Deputy Commissioner of Dumoh in the Central Provinces, has obtained leave of absence for thirty-nine days, preparatory to applying for leave to Europe on medical certificate.

Mr. H. Read, Assistant Commissioner and Officiating Assistant Settlement Officer, Saugor, is appointed to officiate as Deputy Commissioner of Dumoh.

No. 1120.

Lieutenant J. FitzGerald, Assistant Commissioner of Akolah in the Hyderabad Assigned Districts, has obtained privilege leave of absence for three months from the 8th June 1865, or from the date on which he may avail himself of it.

No. 1122.

Surgeon H. R. Oswald, M. D., of the Madras Medical Establishment, is appointed Surgeon of the Mysore Commission, in succession to Dr. J. Kirkpatrick.

No. 1124.

Lieutenant G. C. Sartorius, Assistant Conservator of Forests in the Central Provinces, is appointed to officiate as an Assistant Commissioner of the 2nd Class, as a temporary arrangement.

The G. O. No. 1018, dated 9th instant, is cancelled.

No. 1127.

Major A. R. E. Hutchinson, Political Agent at Gwalior, has obtained privilege leave of absence for two months from the 15th instant, or from the date on which he may avail himself of it.

Major J. A. Wright, Cantonment Magistrate, will conduct the current duties of the Gwalior Agency during Major Hutchinson's absence.

No. 1135.

The 25th May 1865.

The following Officers of the Central Provinces Commission have passed the prescribed departmental examination :—

For the Higher Standard.

Lieutenant M. M. Bowie, Assistant Commissioner.
" J. H. Macdougall, ditto.
" H. J. Lugard, ditto.
" T. H. B. Brooke, ditto.
" J. A. Temple, ditto.
" H. C. Ward, ditto.

For the Lower Standard.

Lieutenant R. M. B. Thomas, Assistant Commissioner.

Baboo Nobin Kristo Bose, Extra Assistant Commissioner.

Mr. Apothecary T. H. Carr, Subordinate Magistrate.

Gholam Mahomed, Tehsildar (with credit).

Mudad Emam, Tehsildar
Mahfooz-Ool-baree, ditto.
Kazim Ali, Tehsildar.
Daveepershad, ditto.
Nago Rao, ditto.
Mahomed Ool Hossein, ditto.
Krishen Rao, ditto.

No. 1137.

Moung Phay Hlaw is appointed Extra Assistant Commissioner, 3rd Grade (Myoke), on Rupees 100 per mensem, in the Tenasserim Division of British Burmah, *vice* Moung Doot, deceased, with effect from the 21st March 1865.

No. 1139.

Captain C. V. Gordon, Assistant Commissioner in charge of the current duties of the Saugor Deputy Commissioner's Office in the Central Provinces, has obtained thirty-nine days' preparatory leave of absence, from such date as he may avail himself of it, to proceed to Calcutta for the purpose of obtaining leave on medical certificate to England.

No. 1141.

Mr. F. O. Mayne, appointed in G. O. No. 612, dated 16th March, to be Commissioner of the Baiswarra Division in Oudh, is transferred to the Fyzabad Division, with effect from the 25th ultimo.

Mr. H. S. Reid, C. S., is appointed to be Commissioner of the Baiswarra Division from the above date.

A. COLVIN,
Offg. Under-Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

No. 378.

Simla, the 22nd May 1865.

Notification.—The Governor General in Council is pleased, under Section 52 of Act X. of 1862, to invest the Superintendent of Stamps and the Deputy Superintendents of Stamps in Oudh, with powers to prosecute for offences affecting the Stamp Revenue.

No. 444.

The 25th May 1865.

The following statement of the Silver received and coined in the Mints of Calcutta, Madras and Bombay, in March 1865, is published for general information :—

	CALCUTTA.			MADRAS.			BOMBAY.		
	Bullion or Coin received during the month, valued in Rupees.		Coined and examined during the month, valued in Rupees.	Bullion or Coin received during the month, valued in Rupees.		Coined and examined during the month, valued in Rupees.	Bullion or Coin received during the month, valued in Rupees.		Coined and examined during the month, valued in Rupees.
	Govt.	Merchants.		Govt.	Merchants.		Govt.	Merchants.	
In March 1865	1,177	40,94,320	32,09,429	...	3,97,350	61,000	...	14,08,748	7,99,773

By Order of the Governor General in Council,

JOHN STRACHEY,
Offg. Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 22nd May 1865.

No. 504 *of* 1865.—With reference to G. G. O. Nos. 363 and 364, dated 30th March 1860, the Right Hon'ble the Governor General in Council is pleased to direct the publication of the following paragraphs of a letter from the Right Hon'ble the Secretary of State for India, No. 109, dated 7th April 1865, and to notify that the increased allowances therein authorized are to have effect from the 1st May 1865:—

Para. 1. With my letter dated 24th November 1859, No. 412, I transmitted to you copies of a Royal Warrant, dated 1st July 1859, regulating the rank, pay, promotion, and retirement of Veterinary Surgeons of Her Majesty's British Forces; and I directed that such parts of this Warrant as related to relative rank and precedence should be made applicable to the Veterinary Surgeons of Her Majesty's Indian Forces. At that time, it was not considered expedient to alter the existing regulations affecting the pay and allowances, or the conditions of invaliding and retirement, of this class of Officers.

2. Consequent on the recent extension to Medical Officers of the benefits of the rates of pay and allowances fixed by the Royal Warrant of 1st October 1858, for the Medical Officers of the Army, I have had under my consideration in Council the subject of the allowances drawn in India by Veterinary Surgeons of the British and Indian Forces respectively.

3. Your letter dated 21st December last, No. 470, also draws my attention to the present scale of pay to Veterinary Surgeons in India, which is stated to be relatively much less than that granted in England and the Colonies.

4. It appears to me that the time has now arrived at which other provisions of the Royal Warrant of 1st July 1859 may be introduced into India, in addition to those specified in my letter of the 24th November 1859, above referred to.

5. It has been accordingly resolved that the rate of pay laid down in the Royal Warrant, with the Indian allowances of the relative rank of the Officer, shall, for the future, be adopted as the scale of pay for Veterinary Surgeons of the British and Indian Forces. From the date of the commencement of these allowances, all extra allowance of whatever description will cease.

6. The rate of pay of Veterinary Surgeons of both services will then be as follows:—

Rank.	Years' Service.	Relative Rank.	Full Batta.
Staff Veterinary Surgeon ...	25	Major ...	976 9 6
Ditto ...	20	" ...	964 6 8
Ditto ...	15	" ...	952 3 10
Veterinary Surgeon, 1st Class ...	25	Captain ...	627 2 0
Ditto ...	20	" ...	590 9 7
Ditto ...	15	" ...	572 5 5
Ditto ...	10	" ...	560 2 7
Ditto ...	5	" ...	535 12 11
Veterinary Surgeon ...	25	Lieutenant ...	426 3 2
Ditto ...	20	" ...	426 3 2
Ditto ...	15	" ...	426 3 2
Ditto ...	10	" ...	414 0 4
Ditto ...	5	" ...	395 12 3
Ditto ...	Under 5	" ...	377 8 0

7. Veterinary Surgeons of the Indian Service will hereafter receive pay while on furlough according to the following scale:—

Rank.	After 25 Years' Service on Full Pay.		After 20 Years' Service on Full Pay.		After 15 Years' Service on Full Pay.		After 10 Years' Service on Full Pay.		After 5 Years' Service on Full Pay.		On Appointment.	
	s.	*d.*	*s.*	*d.*	*s.*	*d.*	*s.*	*d.*	*s.*	*d.*	*s.*	*d.*
Staff Veterinary Surgeons ...	23	0	22	0	21	0						
Veterinary Surgeons, 1st Class	20	0	17	0	15	6	14	6	12	6		
Veterinary Surgeons ...	14	0	14	0	14	0	13	0	11	6	10	0

8. Veterinary Surgeons compelled to leave the service on account of ill health, and entitled to half-pay pensions under present regulations, will be allowed the Indian rates of half-pay of their relative rank, as laid down in the Royal Warrant of 1st July 1859.

9. Veterinary Surgeons of the Indian Medical Service will be allowed to retire on the following scale of pension, on completion of the required periods of service, *viz.* :—

		£.	
After 20 years	...	... 200	a year.
„ 25 „	...	... 250	„
„ 30 „	...	... 300	„

10. The amalgamation of the Veterinary Surgeons of the British and Indian Forces being contemplated, no further alteration in regard to the position on retirement of the Veterinary Surgeons of the latter forces appears to me to be at present called for.

11. The other advantages held out by the Royal Warrant to Veterinary Surgeons and their families, are to be adopted and declared applicable to India, as far as the differences of the service will admit.

12. Such Veterinary Surgeons of the local forces as have expressed their desire to volunteer for general service should be allowed to reconsider their decision on your receipt of this Despatch.

No. 505 *of* 1865.—The Right Hon'ble the Governor General in Council is pleased to direct that the royal pattern platform (Gun and Howitzer) shall be introduced for service in India, and the present stock of material in Arsenals and Magazines brought to the new dimensions. Each platform will consist of—

5	Sleepers,	length 15′	breadth	5″	depth	5″
20	Planks,	ditto 10½′	ditto	9″	ditto	2″
2	Ribbands,	ditto 15′	ditto	4″	ditto	4″
10	Racklashings.					

The 23*rd May* 1865.

No. 506 *of* 1865.—Under the authority of the Right Hon'ble the Secretary of State for India, the following Horse Guards General Order is declared applicable to Volunteer Corps raised in India with the sanction of the Viceroy and Governor General in Council. The present rules on the subject of the relative rank of Field Officers and other Officers of the regular Army and Volunteer Corps, are that the Volunteer Officers rank with Officers of the Regular Army as junior of their respective grades :—

GENERAL ORDER No. 850.

HORSE GUARDS, S. W.,
The 16*th August* 1864.

Relative Rank 1 (1864).

His Royal Highness the Field Marshal Commanding-in-Chief has received Her Majesty's commands to promulgate to the Army the following Regulation, which has been decided on in concurrence with the Secretary of State for War, *viz.* :—

The order, as contained in Her Majesty's Book of Regulations, for the relative rank of the Officers of the Army and Royal Marines, with those of the Militia, Yeomanry and Volunteers, shall be held applicable also to Officers of Colonial Militia, Yeomanry and Volunteer Corps which have been, or may hereafter be, raised by the Legislature of the Colonies, with the sanction of Her Majesty the Queen, during the period of their embodiment and service with Her Majesty's Regular Forces.

By Command of His Royal Highness the Field Marshal Commanding-in-Chief,

(Signed) A. HORSFORD,
Depy. Adjt. General.

No. 507 *of* 1865.—With reference to G. G. O. No. 1060, dated 23rd December 1864, the following paragraphs of a Military letter from the Right Hon'ble the Secretary of State for India, No. 127, dated 15th ultimo, are published for general information :—

Para. 1.—In anticipation of the receipt of the report called for from your Government,* as to the future establishment of Medical Officers required for the separate and local Indian service, I have to acquaint you that measures have been taken for providing Assistant Surgeons for the Indian service.

* Military Despatch to India, No. 340, 7th November 1864, paras. 19 to 21.

2. Shortly after my Despatch of the 7th November 1864 had been forwarded to you, notices were inserted in the public papers that an examination for thirty appointments to Her Majesty's Indian Medical Service would be held in February 1865.

3. The examination was held at Chelsea Hospital under the direction of the Army Medical Department.

4. Twenty-seven candidates have been returned as successful, and with the exceptions hereafter named, they have joined the Army Medical School at Netley, for the purpose of undergoing a course of instruction in Hygiene, Military Medicine, &c.

5. The following arrangements have been made with regard to Medical Officers who may be appointed to the Indian service :—

1. Passage allowance to India will be given on appointment.

2. Pay at War Office rates, *i. e.*, 10*s.* a day will be allowed from date of passing final examination at Netley.

3. Indian allowances and time of service for pension will reckon from date of arrival in India. The period of residence at the Army Medical School will reckon as service for the full pay pension only.

6. The gentlemen named in the margin, being students at the Army Medical School, Netley, were permitted with the sanction of the Secretary of State for War, to compete at the examination.

Mr. H. Cook.
„ J. Cloghorn.
„ R. Harvey.
„ J. Bennett.
„ J. T. Welsh.
„ A. Barrie.

7. As they have already undergone the course of instruction at the Army Medical School, they have not been required to proceed there with

the other candidates on the 31st March; but have received instructions to proceed to India within two months from that date.

8. They have been appointed as Assistant Surgeons from the 31st March 1865, and allotted as follows:—

Bengal.	*Bombay.*
James Cleghorn, M.D.	Henry Cook, M.D.
Robert Harvey, M.B.	John Thomson Welsh, M.D.
John Bennett, M.D.	Andrew Barrie, M.D.

Their relative position on the list of Assistant Surgeons with that of the others who passed at the same examination and are now at Netley, will be communicated to you hereafter.

9. In order that these six Assistant Surgeons may not obtain an undue advantage over the other candidates now at Netley, by being allowed to proceed to India before them, they will not be allowed to reckon the period they have already passed at the Army Medical School as service for full pay pension. They will, however, draw Indian allowances, and reckon service for pension from the date of their arrival in India.

10. Six copies of the Regulations for the examination of candidates for the appointment of Assistant Surgeon in Her Majesty's Indian Medical Service are herewith enclosed.

No. 508 *of* 1865.—With reference to Government General Orders noted in the margin, His Excellency the Governor General in Council is pleased to authorize the issue of full and quarter rations, respectively, to the widows and orphans of Non-Commissioned Officers and Soldiers on detached staff employ, for the period during which they are entitled to draw subsistence allowance, provided the men drew less than Rupees seventy-five (75) a month.

No. 397, dated 5th May 1864.
No. 343, dated 31st March 1865.

The 25th May 1865.

No. 509 *of* 1865.—The undermentioned Warrant Officers are allowed the superior pension of 2*s.* 6*d.* (two shillings and six pence) per diem each, with effect from the dates on which they were respectively pensioned, instead of the stipends assigned to them in the Government General Order specified opposite to their respective names:—

Sub-Conductor John Andrew Schruder, late of the Army Commissariat Department.	No. 877 of the 24th August 1860.
Sub-Conductor Charles O'Donnell, late of the Army Commissariat Department.	No. 893 of the 4th September 1860.
Conductor James Copley, late of the Ordnance Commissariat Department.	No. 978 of the 1st October 1860.
Conductor Alexander Duggan, late of the Army Commissariat Department.	No. 524 of the 12th May 1862.

No. 510 *of* 1865.—The following promotion is made:—

Ordnance Commissariat Department.

Sub-Conductor Robert Bradshaw, to officiate as Conductor during the employment of Conductor John Ford in the current duties of the Timber Agency at Baloogh̄ât, Calcutta, or until further orders.

No. 511 *of* 1865.—Surgeon John Squire, of the Medical Department, was permitted to proceed to Sea for the purpose of visiting Singapore and Malacca on medical certificate, and to be absent from Bengal on that account from the 8th February to the 12th of May 1865, under the old Regulations.

No. 512 *of* 1865.—The undermentioned Officer is permitted to proceed to Europe, on leave of absence, on sick certificate:—

Assistant Surgeon William Edward Caird, of the 12th (Kelat-i-Ghilzie) Regiment, Native Infantry.	For twenty months, under the new Regulations.

No. 513 *of* 1865.—The undermentioned Officer is permitted to proceed to Europe, on leave of absence, on sick certificate:—

Lieutenant Walter Morland Story, Doing-duty Officer (Officiating Quarter Master), 43rd Regiment, Native Infantry.	For twenty months, under the new Regulations.

No. 514 *of* 1865.—Veterinary Surgeon J. W. Garrad, of the Bengal Establishment, attached to the Stud Department, is allowed leave of absence for sixty days, from such date as he may avail himself of it, to visit the Presidency preparatory to applying for leave of absence on medical certificate to Europe.

No. 515 *of* 1865.—The following temporary promotions are made in the Army Commissariat Department:—

Sub-Conductors J. H. Sharpe and R. A. Dawson, to act as Conductors. Serjeants W. Adams and Thomas Taylor, to act as Sub-Conductors.	From the 22nd April 1865, during the absence on sick leave to Europe, of Conductors James Wilks and J. H. Senior, or until further orders.

No. 516 *of* 1865.—The undermentioned Officer is permitted to proceed to Europe, on leave of absence, on sick certificate:—

Lieutenant-Colonel (Brevet Colonel) Albert Fytche, of the Bengal Staff Corps, Commissioner, Tenasserim Division of British Burmah ...	For twenty months.

No. 517 *of* 1865.—The undermentioned Officers have reported their return from England :—

	Date of arrival at Fort William.
Captain (Brevet Lieutenant-Colonel) Alexander Bagot, late 15th Regiment, Native Infantry	11th May 1865.
Principal Inspector General John McClelland, FEL. U. C., Medical Department	

No. 518 *of* 1865.—The following letter from the Right Hon'ble the Secretary of State for India, is published for general information :—

MILITARY. INDIA OFFICE;
No. 105. *London, the 7th April* 1865.

To His Excellency the Right Hon'ble the Governor General of India in Council.

Sir,—1. I have received and considered in Council your separate military letter in this Department, No. 320, dated 19th September 1864, regarding the mode to be pursued in the case of men of the Sappers and Miners, volunteers for general service, who have elected for particular regiments and who wish to re-engage for a second period of service.

2. I concur in the opinion of your Government, and that of His Excellency the Commander-in-Chief in India, that those men should be borne as supernumerary on the Rolls of those Regiments for which they have respectively volunteered, their rank being as suggested by His Excellency that which they hold in the Sappers and Miners.

3. This arrangement has received the concurrence of His Royal Highness the Field Marshal Commanding-in-Chief.

4. I approve of your decision, that the sum of twenty pounds (£20) charged to a Sapper under the Regulations of Her Majesty's Indian Service, in addition to the usual amount required for discharge by purchase, shall be discontinued, but the amount to be charged in future should be the same as that for men of the Royal Engineers.

5. With reference to the case of Sapper Maclean, of the Madras Establishment, which was disposed of in accordance with the information furnished in your separate military letter No. 310, dated 30th August 1864, I have to inform you, that the discharge certificates of all Warrant Officers, Sappers and Miners, and men of the Unattached List, if they are general service men, from whatever Corps they may be discharged, are to specify the position they held in Her Majesty's Indian Service.

I have, &c.,

(Signed) C. WOOD.

No. 519 *of* 1865.—The following extracts of a letter from the Right Hon'ble the Secretary of State for India, No. 115, dated 15th April 1865, are published for general information :—

1. I have received and considered in Council your letter in this Department, No. 195 of 1864, together with para. 18 of No. 34 of 1865, upon the subject of the grant, at a subsequent period, of passage to Europe at the public expense, to Soldiers who on discharge, with or without pension, elect to remain in India.

2. Such men are not, under the Regulations, entitled to passage to Europe, * * *

* * * * *

5. I have * resolved, as a general rule, that a free passage shall not be allowed to those Soldiers who, on discharge, elect to remain in India.

6. I consent, however, to the grant, in special cases, by the Governments of the respective Presidencies, as proposed by His Excellency the Commander-in-Chief in India, and concurred in by your Government, of free passage to men of certified good character who have remained in India after discharge, and fallen into distress owing to failing health, or inability to obtain employment, when this inability is not the consequence of their own misconduct. Every case should be separately and specially reported.

7. In the event of the grant of passage to any local service man, who is a pensioner, his pension will be in abeyance during the period occupied by the voyage.

No. 520 *of* 1865.—With reference to G. G. O. No. 78 of 1865, the undermentioned Surgeons, borne as supernumeraries pending the instructions of the Secretary of State, are hereby brought on the strength of the Establishment, subject to Her Majesty's approval :—

Corps or Dept.	Rank and Names.	From what date.	In whose room.
Medical Dept. ...	Surgeon Peter O'Brien, F. R. C. S. ...	27th Jan. 1865	Surgeon C. Mathias, retired.
Ditto ...	Ditto George Barnard ...	2nd April 1865	Deputy Inspector General of Hospitals R. B. Kinsey, F. R. C. S., deceased.

No. 521 *of* 1865.—The undermentioned Officer is permitted to proceed to Europe, on leave of absence, on sick certificate :—

Lieutenant Clarence Henry Palmer, of the late 55th Regiment, Native Infantry.	For twenty months, under the new Regulations.

No. 522 *of* 1865.—It having been brought to the notice of Government, that in consequence of the diminished consumption of Rum, Canteen Funds can no longer bear the expense of transporting Malt Liquor from the Commissariat Godowns to the Canteen, the Right Hon'ble the Governor General in Council is pleased to direct, that G. G. O. No. 448, dated 22nd April 1862, be cancelled, and that from the 1st proximo Malt Liquor and Rum be delivered to Regiments and Detachments by the Commissariat Department free of expense on account of carriage.

No. 523 *of* 1865.—The undermentioned Officers are permitted to proceed to Europe, on leave of absence, on sick certificate :—

Veterinary Surgeon John Whitmore Garrad, of the Bengal Establishment, attached to the Stud Department.	For twenty months, under the new Regulations.
Lieutenant Charles Wootton Guthrie Perreau, of the General List, Infantry.	For twenty months, under the new Regulations.

No. 524 *of* 1865.—The undermentioned Officer is permitted to proceed to Europe, on leave of absence, on sick certificate :—

Major James Emerson, of the Bengal Staff Corps, Cantonment Magistrate, Dinapore.	For twenty months.

No. 525 *of* 1865.—The undermentioned Officer is permitted to proceed to Europe, on leave of absence, on sick certificate :—

Major Erskine Grant Langmore, of the Bengal Staff Corps, 2nd in Command and Wing Officer 29th (Punjab) Regiment, Native Infantry.	For twenty months.

No. 526 *of* 1865.—The undermentioned Non-Commissioned Officer of Her Majesty's service is permitted to reside and draw his pay in India, as on out-pensioner of Chelsea Hospital, in accordance with the Royal Warrant of the 23rd July 1864, pending a reference to the Home Authorities as to the amount of his pension :—

Sergeant Charles J. Callan, No. 3 Battery, 22nd Brigade, Royal Artillery.

No. 527 *of* 1865.—Second Class Sub-Assistant Surgeon Samuel Pollock Johns, attached to the Agra Medical School, having been pronounced qualified for advancement, is, under the rules passed by Government in the Home Department, dated 6th January 1849, promoted to the 1st Class with effect from the 12th May 1865.

The 26th May 1865.

No. 528 *of* 1865.—The following extract from the *London Gazette* of the 28th March 1865, is published for general information :—

WAR OFFICE,

London, the 28th March 1865.

The Queen has been graciously pleased to give orders for the following appointments to the Most Honourable Order of the Bath :—

To be Ordinary Members of the Military Division of the First Class, or Knights Grand Cross of the said Most Honourable Order, *viz.* :—

Lieutenant-General Sir John Cheape, K. C. B., Royal (late Bengal) Engineers.

To be Ordinary Members of the Military Division of the Second Class, or Knights Commanders of the said Most Honourable Order, *viz.* :—

Lieutenant-General Thomas Monteath-Douglas, C. B., Bengal Army.

Lieutenant-General Patrick Montgomerie, C. B., Royal (late Madras) Artillery.

Major-General Robert William Honner, C. B., Bombay Army.

India Office, the 22nd March 1865.

Her Majesty has been pleased to approve the undermentioned promotions amongst the Officers of the Staff Corps, and of Her Majesty's Indian Military Forces :—

BREVET.

The undermentioned Officer having completed five years' service as Major and Brevet Lieutenant-Colonel, and as Regimental Lieutenant-Colonel, to be Colonel in the Army, under the operation of Clauses 8, 9, and 10 of the Royal Warrant of 31st January, 1859 :—

Lieutenant-Colonel Michael Galwey, C. B., Madras Infantry. Dated 9th May, 1863.

The undermentioned Officer having completed five years' service as Lieutenant-Colonel, to be Colonel in the Army, under the operation of Clause 8 of the Royal Warrant of 31st January, 1859 :—

Lieutenant-Colonel Henry Milne, Bengal Infantry. Dated 25th August, 1864.

Major John Crosbie Graves, Bombay Cavalry, to be Lieutenant-Colonel; Captain George Harkness, Madras Infantry, to be Major, in succession to Major-General W. Sage, Bengal Infantry, deceased. Dated 26th May, 1864.

Major Dean Christian Shute, Bengal Infantry, to be Lieutenant-Colonel; Captain James John Combe, Bengal Infantry, to be Major, in succession to Major-General T. Anderson, Madras Cavalry, deceased. Dated 28th May, 1864.

BENGAL STAFF CORPS.

PROMOTIONS.

To be Lieutenant-Colonel.

Major Alfred Chichely Plowden. Dated 3rd July, 1864.

To be Majors.

Captain Hugh Hayley. Dated 27th July, 1864.

Captain C. F. Browne. Dated 17th August, 1864.

Captain George Weld. Dated 27th August, 1864.

Captain (Brevet Major) Hamilton Forbes. Dated 3rd October, 1864.

Captain Thomas Pierce. Dated 8th October, 1864.

Captain Alexander Paterson. Dated 8th November, 1864.

Captain (Brevet Major) George Swiney. Dated 18th November, 1864.

Captain William Briggs. Dated 18th November, 1864.

To be Captains.

Lieutenant John Thornhill Bushby. Dated 10th August, 1864.

Lieutenant John James Boswell. Dated 10th August, 1864.

Lieutenant Henry Tyndall. Dated 20th August, 1864.

Lieutenant Montagu Mitchell Procter. Dated 31st August, 1864.

Lieutenant Frederic Allen. Dated 20th September, 1864.

Lieutenant Willoughby Henry Garton. Dated 22nd September, 1864

Lieutenant William Waterfield. Dated 3rd October, 1864.

Lieutenant Bruce Neilson Smith. Dated 7th November, 1864.

Lieutenant Thomas Edward Vandergucht. Dated 9th November, 1864.

ALTERATION OF RANK.

Major James Joseph O'Brien will take rank from 22nd November, 1863.

BENGAL ARMY.

Cavalry.

Supernumerary Lieutenant-Colonel (Major-General) John Fowler Bradford, C. B., to be Colonel, *vice* Pattle, removed to 19th Hussars. Dated 30th September, 1862.

Lieutenant-Colonel (Brevet Colonel) William Binfield Wemyss, to be Colonel; Major Thomas Rochfort Snow, from the late 4th Cavalry, to be Lieutenant-Colonel, in succession to Shubrick, deceased. Dated 6th January, 1863.

Supernumerary Major (Major-General) John Christie, to be Lieutenant-Colonel, *vice* Taylor (Staff Corps), removed from List of Lieutenant-Colonels. Dated 16th July, 1864.

Major Francis Walker Drummond, from late 5th Cavalry, to be Lieutenant-Colonel, *vice* Richardson, 19th Hussars, removed from List of Lieutenant-Colonels. Dated 16th July, 1864.

Major William Fraser Stephens, to be Lieutenant-Colonel, *vice* Simeon (Staff Corps), removed from List of Lieutenant-Colonels. Dated 16th July, 1864.

Major William Adam Anstruther Thomson, from late 4th Cavalry, to be Lieutenant-Colonel, *vice* Warner (20th Hussars), removed from List of Lieutenant-Colonels. Dated 16th July, 1864.

Late 2nd Cavalry.

Lieutenant Ambrose Dawson Jennings, to be Captain, *vice* Cockerell (20th Hussars), exchanged. Dated 19th April, 1864.

Late 3rd Cavalry.

Captain Lenox James Farquharson, to be Major. Dated 16th July, 1864.

Late 4th Cavalry.

Captain (Brevet Major) William Adam Anstruther Thomson, to be Major; Lieutenant Henry Muirson Caulfield, to be Captain, in succession to Shubrick, deceased. Dated 6th January, 1863.

Lieutenant Arthur Haldinaud Prinsep, to be Captain, *vice* Barlow, transferred to 88th Foot. Dated 17th November, 1863.

Lieutenant Thomas Francis Cosby Rochfort, to be Captain, *vice* Bushby, deceased. Dated 2nd July, 1864.

Captain Charles Dumbleton, to be Major; Lieutenant Alfred Waterfield, to be Captain, in succession to Turnbull (Staff Corps), removed from List of Lieutenant-Colonels. Dated 16th July, 1864.

Captain (Brevet Major) John Henry Balmain, to be Major; Lieutenant Hamilton Bell Webster, to be Captain, in succession to Warner (20th Hussars), removed from List of Lieutenant-Colonels. Dated 16th July, 1864.

Late 5th Cavalry.

Lieutenant William Fairlie Fergusson, to be Captain, *vice* Chichester, transferred to 94th Foot. Dated 17th November, 1863.

Captain George Ward, to be Major; Lieutenant Harold Cooper Sitwell, to be Captain, in succession to Richardson (19th Hussars), removed from List of Lieutenant-Colonels. Dated 16th July, 1864.

Captain (Brevet Major) Henry Lane, to be Major; Lieutenant William Hay Macnaghten, to be Captain, in succession to Simeon (Staff Corps), removed from List of Lieutenant-Colonels. Dated 16th July, 1864.

General List of Cavalry Officers.

Cornet Henry Arthur Fletcher, to be Lieutenant. Dated 30th July, 1862.

Cornet Silas Adair Swinley, to be Lieutenant. Dated 24th September, 1863.

Cornet Charles Bell Horsbrugh, to be Lieutenant. Dated 17th November, 1863.

Cornet William Gibson Craig, to be Lieutenant. Dated 24th November, 1863.

Cornet Richard Lockwood, to be Lieutenant. Dated 19th April, 1864.

Cornet Robert Bartholomew, to be Lieutenant. Dated 9th July, 1864.

Infantry.

Major John William Carter, from late 54th Native Infantry, to be Lieutenant-Colonel, *vice* Birch, transferred to 104th Foot. Dated 30th July, 1862.

Major (Brevet Colonel) Sir Herbert Benjamin Edwardes, K. C. B., from the late 1st European Regiment, to be Lieutenant-Colonel, *vice* Davidson, deceased. Dated 3rd August, 1862.

Lieutenant-Colonel (Major-General) St. George Daniel Showers, C. B., to be Colonel; Major Mortimer John Slater (deceased), from late 5th European Regiment, to be Lieutenant-Colonel, in succession to Sir P. Grant, transferred to 104th Foot. Dated 30th September, 1862.

Lieutenant-Colonel (Brevet Colonel) Colin Troup, C. B., to be Colonel; Major (Brevet Lieutenant-Colonel) John Barrett, from late 37th Native Infantry, to be Lieutenant-Colonel, in succession to Scott, deceased. Dated 6th April, 1863.

Lieutenant-Colonel (Brevet Colonel) John Welchman, C. B., to be Colonel; Major George Strangways, from late 71st Native Infantry, to be Lieutenant-Colonel, in succession to Blackall, deceased. Dated 21st April, 1863.

Major Gordon Caulfield, from late 46th Native Infantry, to be Lieutenant-Colonel, *vice* Slater, deceased. Dated 31st October, 1863.

Lieutenant-Colonel (Brevet Colonel) William Ferguson Beatson, to be Colonel, *vice* Sage, deceased. Dated 26th May, 1864.

Major (Brevet Lieutenant-Colonel) George Burd Reddie, from late 29th Native Infantry, to be Lieutenant-Colonel, *vice* Ramsay (Staff Corps), removed from List of Lieutenant-Colonels. Dated 16th July, 1864.

Major Henry Borlase Stevens, from late 41st Native Infantry, to be Lieutenant-Colonel, *vice* Hamilton (Staff Corps), removed from List of Lieutenant-Colonels. Dated 16th July, 1864.

Major William Martin Cafe, V. C., from late 56th Native Infantry, to be Lieutenant-Colonel, *vice* Voyle (Staff Corps), removed from List of Lieutenant-Colonels. Dated 16th July, 1864.

Major Richard John Edgell, from late 53rd Native Infantry, to be Lieutenant-Colonel, *vice* Shakespear (Staff Corps), removed from List of Lieutenant-Colonels. Dated 16th July, 1864.

Major Edward James Simpson, from late 64th Native Infantry, to be Lieutenant-Colonel, *vice* Scott (Staff Corps), removed from List of Lieutenant-Colonels. Dated 16th July, 1864.

Major Richard John Meade, from late 65th Native Infantry, to be Lieutenant-Colonel, *vice* Ryves (Staff Corps), removed from List of Lieutenant-Colonels. Dated 16th July, 1864.

Major (Brevet Lieutenant-Colonel) John Hennessy, from late 70th Native Infantry, to be Lieutenant-Colonel, *vice* Brooke (Staff Corps), removed from List of Lieutenant-Colonels. Dated 16th July, 1864.

Major James Price Clarkson, from late 44th Native Infantry, to be Lieutenant-Colonel, *vice* Richardson (Staff Corps), removed from List of Lieutenant-Colonels. Dated 16th July, 1864.

Major Henry Duncan Twysden, from late 33rd Native Infantry, to be Lieutenant-Colonel, *vice* Atkinson (Staff Corps), removed from List of Lieutenant-Colonels. Dated 16th July, 1864.

Major (Brevet Colonel) Henry Frederick Dunsford, C. B., from late 59th Native Infantry, to be Lieutenant-Colonel, *vice* Hill (Staff Corps), removed from List of Lieutenant-Colonels. Dated 16th July, 1864.

Major Francis Geach Crossman, from late 45th Native Infantry, to be Lieutenant-Colonel, *vice* Holroyd (Staff Corps), removed from List of Lieutenant-Colonels. Dated 16th July, 1864.

Major Frederick Charles Maisey, from late 67th Native Infantry, to be Lieutenant-Colonel, *vice* Gastrell (Staff Corps), removed from List of Lieutenant-Colonels. Dated 16th July, 1864.

Major Edwin Shuckburgh Denniss, from late 62nd Native Infantry, to be Lieutenant-Colonel, *vice* Hatch (Staff Corps), removed from List of Lieutenant-Colonels. Dated 16th July, 1864.

Major Robert Chardin Wroughton, from late 12th Native Infantry, to be Lieutenant-Colonel, *vice* Reid (Staff Corps), removed from List of Lieutenant-Colonels. Dated 16th July, 1864.

Late 1st European Fusiliers.

Captain Conolly O'Brien Palmer, to be Major; Lieutenant John Morland, to be Captain, in succession to Davidson, deceased. Dated 3rd August, 1862.

Late 4th European Infantry.

Lieutenant William Pemberton Fisher, to be Captain, in succession to Stuart (Staff Corps), deceased. Dated 19th November, 1863.

Late 5th European Infantry.

Captain Alexander Braithwaite Fenwick (deceased), to be Major; Lieutenant George Fergus Graham, to be Captain, in succession to Sir P. Grant, transferred to 104th Foot. Dated 30th September, 1862.

Late 6th European Infantry.

Lieutenant William George Keppel, to be Captain, *vice* Grindall, retired. Dated 1st September, 1864.

Late 10th Native Infantry.

Lieutenant (Brevet Captain) James Andrews Mount Biggs, to be Captain, in succession to Mulcaster (Staff Corps), removed from List of Lieutenant-Colonels. Dated 16th July, 1864.

Late 12th Native Infantry.

Lieutenant Archibald Gathorne Remington, to be Captain, *vice* McNeill, transferred to 107th Foot. Dated 30th July, 1862.

Lieutenant Philip Sydney Yorke, to be Captain, in succession to Reid (Staff Corps), removed from List of Lieutenant-Colonels. Dated 16th July, 1864.

Late 28th Native Infantry.

Captain Charles Edward Mills, to be Major; Lieutenant Thomas Buttanshaw, to be Captain, in succession to Phayre (Staff Corps), removed from List of Lieutenant-Colonels. Dated 16th July, 1864.

Late 29th Native Infantry.

Captain Martin Boileau Whish, to be Major, in succession to Ramsay (Staff Corps), removed from List of Lieutenant-Colonels. Dated 16th July, 1864.

Late 32nd Native Infantry.

Lieutenant George Battye Fisher, to be Captain, *vice* Studdy, transferred to 20th Hussars. Dated 31st May, 1864.

Late 33rd Native Infantry.

Lieutenant (Brevet Captain) Joseph White Orchard, to be Captain, in succession to Atkinson (Staff Corps), removed from List of Lieutenant-Colonels. Dated 16th July, 1864.

Late 35th Native Infantry.

Lieutenant Griffith Turner Jones, to be Captain, *vice* Maxwell, retired. Dated 31st May, 1864.

Late 36th Native Infantry.

Lieutenant Henry Richard Bradford, to be Captain, in succession to Sage, deceased. Dated 26th May, 1864.

Late 38th Native Infantry.

Lieutenant Henry Foord Bamford, to be Captain, *vice* Hearsey, deceased. Dated 9th August, 1864.

Late 41st Native Infantry.

Captain (Brevet Major) John William Sanders, to be Major, in succession to Hamilton (Staff Corps), removed from the List of Lieutenant-Colonels. Dated 16th July, 1864.

Late 42nd Native Infantry.

Lieutenant Edmund Fisher Litchfield, to be Captain, *vice* Holt, retired. Dated 18th November, 1862.

Late 44th Native Infantry.

Lieutenant Alexander Home Bramley, to be Captain, in succession to Richardson (Staff Corps), removed from List of Lieutenant-Colonels. Dated 16th July, 1864.

Late 45th Native Infantry.

Captain (Brevet Major) Alexander Sutton Osborn Donaldson, to be Major, in succession to Holroyd (Staff Corps), removed from List of Lieutenant-Colonels. Dated 16th July, 1864.

Late 46th Native Infantry.

Lieutenant (Brevet Captain) Francis Dashwood Ogilvie, to be Captain, in succession to Slater, deceased. Dated 31st October, 1863.

Late 54th Native Infantry.

Lieutenant William Wroughton, to be Captain, in succession to Birch, transferred to 104th Foot. Dated 30th July, 1862.

Late 59th Native Infantry.

Lieutenant Mansfield George Smith, to be Captain, in succession to Hill (Staff Corps), removed from List of Lieutenant-Colonels. Dated 16th July, 1864.

Late 62nd Native Infantry.

Captain Henry Daniel Maunsell, to be Major, in succession to Hatch (Staff Corps), removed from List of Lieutenant-Colonels. Dated 16th July, 1864.

Late 64th Native Infantry.

Captain Henry Elliott Young, to be Major; Lieutenant Robert Durie Griffin, to be Captain, in succession to H. Ramsay (Staff Corps), removed from List of Lieutenant-Colonels. Dated 16th July, 1864.

Late 65th Native Infantry.

Captain (Brevet Major) Henry Larkins Rorbertson, to be Major, *vice* Ryves, removed from List of Lieutenant-Colonels. Dated 16th July, 1864.

Late 67th Native Infantry.

Lieutenant Henry McDonell De Wendt Douglas, to be Captain, in succession to Gastrell (Staff Corps), removed from List of Lieutenant-Colonels. Dated 16th July, 1864.

Late 69th Native Infantry.

Captain (Brevet Major) John Nisbett, to be Major, in succession to Scott (Staff Corps), removed from List of Lieutenant-Colonels. Dated 16th July, 1864.

Late 71st Native Infantry.

Captain (Brevet Major) Henry Dinning, to be Major, in succession to Blackall, deceased. Dated 21st April, 1863.

General List of Infantry Officers.

To be Lieutenants.

Ensign James Murphy Tulloch. Dated 30th July, 1862.
Ensign Charles Ransford. Dated 30th July, 1862.
Ensign George McCall. Dated 30th July, 1862.
Ensign John Richard Breeks Atkinson. Dated 30th July, 1862.
Ensign James Fraser. Dated 30th July, 1862.
Ensign Etwall Walter Smith. Dated 30th July, 1862.
Ensign Edward Harvey Webb. Dated 30th July, 1862.
Ensign Hugh Stark Anderson. Dated 30th July, 1862.
Ensign William Walter Hopton Scott. Dated 30th July, 1862.
Ensign Claude Stewart Morrison. Dated 30th July, 1862.
Ensign Edmond Hughes. Dated 30th July, 1862.
Ensign Frederick William Glasfurd. Dated 30th July, 1862.
Ensign Percy Wyndham Smith. Dated 30th July, 1862.
Ensign Robert Charnley Squire Charles Tytler. Dated 30th July, 1862.
Ensign James Cook. Dated 30th July, 1862.
Ensign Charles Edward Hunter. Dated 30th July, 1862.
Ensign Frederick Durie Boileau. Dated 30th July, 1862.
Ensign James Agnew McNeill. Dated 30th July, 1862.
Ensign Charles Frederick Thomas. Dated 30th July, 1862.
Ensign Arthur Oldham. Dated 30th July, 1862.
Ensign Walter Edward Gowan. Dated 30th July, 1862.
Ensign Allan Harden. Dated 30th July, 1862.
Ensign William Charles Ramsden. Dated 30th July, 1862.
Ensign Thomas Nicholls. Dated 30th July, 1862.
Ensign Celadon Charles Brownlow. Dated 30th July, 1862.
Ensign George Waterhouse. Dated 30th July, 1862.
Ensign Benjamin Hill Russell. Dated 30th July, 1862.
Ensign John Andrias Davidson Gordon. Dated 30th July, 1862.
Ensign Douglas Cowslade Hennessy. Dated 30th July, 1862.

Ensign Everard Neal Digges La Touche. Dated 30th July, 1862.
Ensign Horace Howell. Dated 30th July, 1862.
Ensign Frederick Schomberg Carr. Dated 30th July, 1862.
Ensign Robert Edward Seymour Smith. Dated 2nd August, 1862.
Ensign George Michell Devereux Hill. Dated 4th September, 1862.
Ensign Robert Vivian (deceased). Dated 6th September, 1862.
Ensign Francis Henry Hinde. Dated 10th September, 1862.
Ensign Charles Hyder Forster. Dated 27th September, 1862.
Ensign Alexander Robert Badcock. Dated 1st October, 1862.
Ensign Alfred James Stead. Dated 4th October, 1862.
Ensign Frank Bird Morris. Dated 4th October, 1862.
Ensign Henry Wylie. Dated 4th October, 1862.
Ensign Roderick Fraser Sandeman (resigned). Dated 20th October, 1862.
Ensign Edward Millett Forbes. Dated 20th October, 1862.
Ensign Arthur Benjamin Clare. Dated 30th October, 1862.
Ensign George Campbell Napier. Dated 18th November, 1862.
Ensign William Hope Meiklejohn. Dated 11th December, 1862.
Ensign Walter Jones. Dated 1st January, 1863.
Ensign Alexander Jeffery Nicholson. Dated 8th January, 1863.
Ensign Archibald Cuthbert Bigg-Wither. Dated 25th January, 1863.
Ensign Henry John Lawrence. Dated 10th March, 1863.
Ensign William Loch. Dated 13th March, 1863.
Ensign Richmond Shakespear. Dated 23rd March, 1863.
Ensign Binfield Wemyss. Dated 24th March, 1863.
Ensign Robert William Napier. Dated 24th March, 1863.
Ensign Frederick Mills Malet Harris. Dated 24th March, 1863.
Ensign Allan Scott Roberts. Dated 24th March, 1863.
Ensign Stephen Hotham. Dated 24th March, 1863.
Ensign Earnest Hunter Chicheley Plowden (resigned). Dated 24th March, 1863.
Ensign Howard Kingscote. Dated 6th April, 1863.

No. 529 *of* 1865.—His Excellency the Governor General in Council is pleased to make the following appointment as a temporary arrangement:—

Quarter Master General's Department.

Lieutenant C. M. MacGregor, of the late 68th Native Infantry, Officiating Major of Brigade, Dooar Field Force, to officiate as Deputy Assistant Quarter Master General on the Eastern Frontier, until further orders.

No. 530 *of* 1865.—Captain J. H. DeSalis is permitted to resign his appointment in No. 3 Company of the Calcutta Volunteer Rifle Corps.

No. 531 *of* 1865.—The services of Captain J. L. Watts, Royal Engineers, are placed at the disposal of the Public Works Department.

No. 532 *of* 1865.—The services of Assistant Surgeon John Ince, M. D., in medical charge of the 4th Bengal Cavalry, are placed at the disposal of the Government of the Punjab.

No. 533 *of* 1865.—His Excellency the Governor General in Council is pleased to confirm the nomination of the Hon'ble the Lieutenant-Governor of Bengal, as Honorary Colonel of the Corps of Behar Mounted Rifles.

No. 534 *of* 1865.—With reference to the Notification from the Foreign Department, No. 1113 of the 22nd instant, the services of Major H. Dixon, of the 22nd Madras Native Infantry, employed temporarily under the Mysore Commission, are replaced at the disposal of the Government of Fort St. George from the 1st proximo.

No. 535 *of* 1865.—His Excellency the Governor General in Council is pleased to make the following appointments:—

Major J. T. N. O'Brien, of Her Majesty's 20th Foot, Officiating Brigade Major, to be a Brigade Major on the Establishment, in succession to Major H. E. Iremonger appointed Assistant Adjutant General of Division.

Major J. Morland, of the late 1st European Bengal Fusiliers, Officiating Brigade Major, to be a Brigade Major on the Establishment, in succession to Lieutenant-Colonel R. J. Edgell, retired.

H. W. NORMAN, *Col.*,
Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

No. 178.

ESTABLISHMENT.

Simla, the 19th May 1865.

Notifications.—Sergeant R. B. Teeling, Overseer, 1st Grade, is transferred from the Punjab to the Rajpootana Circle. This cancels that portion of Public Works Department Notification No. 144 of the 1st May 1865, transferring Sergeant J. Hurst to Rajpootana.

No. 179.

Lieutenant H. J. Nuthall, Executive Engineer, 4th Grade, Public Works Department, Rajpootana, received charge of the Dhar Division of Public Works from Lieutenant J. Bedford, on the 27th April 1865.

No. 180.

The 20th May 1865.

Erratum.—From Public Works Department Notification No. 131 of the 7th April 1865, making certain promotions in the Engineer Branch of the Public Works Department, omit the name of "Mr. E. Hyde, British Burmah,"—that Officer having already been promoted to Executive Engineer, 4th Grade, in Public Works Department Notification No. 52, dated 17th February 1865.

No. 181.

Notifications.—Mr. William Stenhouse, specially engaged by the Secretary of State for India for the Alguada and Double Island Light Houses, is brought on the strength of the Public Works Establishment under the Government of India, as a temporary Supervisor of the 1st Grade, with effect from the 1st October 1864, and is posted to the Light Houses Circle.

No. 182.

Mr. A. Izat, Probationary Assistant Engineer, Hyderabad, is promoted to the grade of 2nd Class Assistant Engineer, with effect from the 1st September 1864.

No. 183.

The 23rd May 1865.

Lieutenant J. Dundas, R. E., having been relieved from duty with the Dooar Field Force, as intimated in Military Department Notification No. 485, dated 6th May 1865, his services are replaced at the disposal of the Bengal Government in the Public Works Department.

No. 184.

Mr. A. Penny and Mr. D. Scott, Assistant Engineers, 2nd Grade, Oudh, are transferred from the Imperial to the Local Public Works Establishments, as Civil Divisional Engineers of the 2nd Class, with effect from the 15th November and 1st October 1864, respectively.

No. 185.

The 25th May 1865.

Mr. W. D. Brockman, Executive Engineer, 1st Road Division, Oudh, assumed charge of the 2nd Road Division, in addition to his own duties, on the 12th April 1865.

No. 186.

Mr. J. Wilson, Accountant, 4th Grade, Oudh, returned on the 6th May 1865 from the one month's privilege leave granted to him in Public Works Department Notification No. 148 of the 1st idem.

No. 187.

Captain H. H. Foord, Executive Engineer, Berar Division, has been granted privilege leave for fourteen days, with effect from the 16th current.

No. 188.

Captain W. S. Trevor, Controller of Public Works Accounts, Bengal, is promoted from the 2nd to the 1st Class, with effect from 1st April 1865.

No. 189.

Captian H. D. B. Smith, M. S. C., Executive Engineer, 2nd Road Division, Oudh, is granted leave of absence preparatory to embarking for Europe, on medical certificate, from the 17th April to the 23rd May 1865.

No. 190.

His Excellency the Governor General is pleased to make the following promotions in the Public Works Department of the Local Administrations, with effect from the 1st April 1865 :—

To be Executive Engineer, 1st Grade.

Isaac, Mr. T. S., Executive Engineer, 2nd Grade, Central Provinces.

To be Executive Engineers, 2nd Grade.

Hilliard, Major G. T., Executive Engineer, 3rd Grade, British Burmah.

Prince, Mr. H., C. E., Executive Engineer, 3rd Grade, with temporary rank of Executive Engineer, 2nd Grade, British Burmah.

Ward, Captain D., R. E., Executive Engineer, 3rd Grade, Oudh.

To be Executive Engineers, 3rd Grade.

Hanna, Mr. S. G., C. E., Executive Engineer, 4th Grade, Central Provinces.

Swetenham, Captain George, R. E., Executive Engineer, 4th Grade, Oudh.

To be Executive Engineers, 4th Grade.

Inglis, Mr. J. W., C. E., Assistant Engineer, 1st Grade, Oudh.

Roberts, Lieutenant W. M., R. E., Assistant Engineer, 1st Grade, Central Provinces.

Stoddard, Mr. A., C. E., Assistant Engineer, 1st Grade, Mysore.

Vanstavern, Mr. T., Assistant Engineer, 1st Grade, Central Provinces.

To be Assistant Engineers, 1st Grade.

Bell, Mr. H., C. E., Assistant Engineer, 2nd Grade, Central Provinces.

Cooke, Mr. G. C., C. E., Assistant Engineer, 2nd Grade, Rajpootana.

Hughes, Mr. A. J., C. E., Assistant Engineer, 2nd Grade, Oudh.

Johnston, Mr. F. J., C. E., Assistant Engineer, 2nd Grade, Central Provinces.

McKennie, Mr. R. C., C. E., Assistant Engineer, 2nd Grade, Mysore.

Marryat, Lieutenant E. L., R. E., Assistant Engineer, 2nd Grade, Central Provinces.

O'Callaghan, Mr. F. L., Assistant Engineer, 2nd Grade, Central Provinces.

Williams, Mr. F. J., C. E., Assistant Engineer, 2nd Grade, Central Provinces.

To be Sub-Engineer, 1st Grade.

Whiting, Sergeant J., Sub-Engineer, 2nd Grade, Central Provinces.

To be Sub-Engineer, 3rd Grade, with Local Rank only.

Stock, Sergeant G., Supervisor, 1st Grade, British Burmah.

To be Supervisors, 1st Grade.

Moolchund, Baboo, Supervisor, 2nd Grade, Central Province.

Narrain Pellay, Supervisor, 2nd Grade, British Burmah.

To be Supervisors, 2nd Grade.

Haldwell, Mr. E., Overseer, 1st Grade, Mysore.

Hughes, Sergeant E. B., Overseer, 1st Grade, Rajpootana.

Keough, Sergeant D., Overseer, 1st Grade, Oudh.

Lippert, Gunner W. E., Overseer, 1st Grade, Mysore.

McLaren, Private J., Overseer, 1st Grade (with the temporary rank of Supervisor, 2nd Grade), Central Provinces.

Nelson, Sergeant J., Overseer, 1st Grade, British Burmah.

Quilter, Sergeant J. H., Overseer, 1st Grade, Oudh.

Tod, Mr. T., Overseer, 1st Grade, Mysore.

To have the Local Rank of Supervisor, 2nd Grade.

Stokoe, Mr. H. W., Overseer, 1st Grade, British Burmah.

To be Overseers, 1st Grade.

Kazim Ally, Overseer, 2nd Grade, Oudh.

Luximon Mahadeo, Mr., Overseer, 2nd Grade, Rajpootana.

Narain Bappoojee, Mr., Overseer, 2nd Grade, Rajpootana.

Price, Mr. A., Overseer, 2nd Grade, Mysore.

ACCOUNTS BRANCH.

To be Accountants, 3rd Grade.

Macdonald, Mr. R. G., Accountant, 4th Grade, Accountant General's Office, P. W. D.

McCracken, Mr. W., Accountant, 4th Grade, Mysore.

Wilson, Mr. J. W., Accountant, 4th Grade, Oudh.

No. 191.

With reference to Public Works Circular No. 15 of 1865, the undermentioned Probationary Assistant Engineers are graded as Assistant Engineers, 3rd Grade, with effect from the 1st April 1865:—

Kedar Nath Dass, Oudh.

Wright, Mr. W. C., Oudh.

C. H. DICKENS, *Lieut.-Col.*, R. A.
Secy. to the Govt. of India.

NOTICE.—No. 153.

The following appointments have been made in the Post Office Department:—

Mr. E. R. Douglas, Inspecting Post Master of 1st Grade, to be in charge of the Meerut Division from 28th November 1859.

Lalla Saligram, Inspecting Post Master of 1st Grade, to be in charge of the Agra Division from 1st May 1861.

Lalla Bindrabun, Inspecting Post Master of 2nd Grade, to be in charge of the Fyzabad Division from 28th November 1859.

Mr. J. Dillon, Inspecting Post Master of 2nd Grade, to be in charge of the Railway line from 8th May 1864.

Mr. C. E. Miller, Inspecting Post Master of 3rd Grade, to be in charge of the Rohilkund Division from 7th July 1858.

Mr. James Goss, Inspecting Post Master of 3rd Grade, to be in charge of the Delhie Division from 3rd February 1865.

Lalla Gungapershad, Inspecting Post Master of 4th Grade, to be in charge of the Futtehgurh Division from 1st May 1861.

Baboo Bishanauth Deb, Inspecting Post Master of 5th Grade, to be in charge of the Ghazeepore Division from 12th April 1859.

Moonshee Dhunney Khan, Inspecting Post Master of 6th Grade, to be in charge of the Nusserabad Division from 2nd December 1862.

Lalla Oodeylall, Inspecting Post Master of 6th Grade, to be in charge of the Jeypore Division from 2nd December 1862.

Lalla Shewdeen Sing, Inspecting Post Master of 6th Grade, to be in charge of Cawnpore Division from 7th January 1862.

Baboo Radhakanto Dutt is appointed Inspecting Post Master of 6th Grade, from 30th March 1865, to be in charge of the Saugor Division.

Mr. C. W. Hutchinson to be Superintendent of Mail Establishments on the Agra and Indore Road, from 1st May 1860.

Mr. C. B. Carr to be Superintendent of Mail Establishment on the Nagpore and Mirzapore Road, from 30th December 1864.

Pundit Debee Deen to be Assistant Superintendent of Mail Cart, Agra and Indore Road, from 1st July 1864.

Mr. J. J. Hamilton to be Post Master of Agra, from 9th May 1861.

Mr. D. Mackenzie to be Post Master, Lucknow, from 7th August 1858.

Mr. C. S. Haygarth to be Post Master, Allahabad, from 3rd February 1865.

Baboo Nobocoomar Ghose to be Post Master, Benares, from 5th April 1865.

Mr. H. Hawkins, to be Post Master, Meerut, from 6th January 1859.

Mr. W. Hine to be Post Master, Delhie, from 9th May 1861.

Mr. F. J. Jordan to be Post Master, Cawnpore, from 3rd August 1861.

Mr. A. Baptist to be Post Master, Mirzapore, from 11th May 1858.

Lalla Doorgapershad to be Post Master, Futtehgurh, from 8th February 1865.

Mr. C. W. Corbett to be Post Master, Nyne Tal, from 2nd December 1863.

Baboo Eshan Chunder Mookerjee to be Deputy Post Master, Allyghur, from 1st October 1854.

Baboo Kishen Chunder Paul to be Post Master, Bareilly, from 4th December 1855.

Baboo Radhikanath Mookerjee to be Post Master, Fyzabad, from 2nd February 1859.

Lalla Chednelall to be Post Master, Jubbulpore, from 3rd February 1865.

Pundit Urjoon Rowjee to be Post Master, Gwalior, from 28th November 1857.

Lalla Bhickay Mull to be Post Master, Jeypore, from 23rd February 1860.

Baboo Lukhinarian Doss to be Post Master, Saugor, from 29th March 1860.

Mr. T. Murphy to be Post Master, Landour, from 15th March 1862.

John Triloke Sing to be Post Master, Nusseerabad, from 28th February 1865.

CAMP SIMLA, *The 13th May* 1865. } H. B. RIDDELL, *Dr. Genl. of the Post Office of India.*

ADVERTISEMENTS.

Extract from the Edinburgh Gazette, *11th April* 1865.

Claud Hamilton Hamilton (formerly Claud Hamilton Brown) Esq., of Calcutta, having, in compliance with a clause contained in the Last Will and Testament of his uncle Claud Hamilton, Esq., assumed the surname of Hamilton instead of that of Brown, has received the License and Authority of the Lord Lyon King of Arms to bear and use for the name of Hamilton such Ensigns, Armorial, as are particularly described in the Letters Patent issued by the Lyon Depute, under date Edinburgh, 29th March 1865, and is now known and publicly recognized in the Records of the Lyon Court, under the designation aforesaid, of Claud Hamilton Hamilton.

DALMAHOY WOOD AND COWAN, *Writers to Signet.*

EDINBURGH, 12, HILL STREET, *The 10th April* 1865.

NOTICE.

Tenders are invited for the supply of Saul Beams and Burgalas for the new Government Buildings at Soory. Tenders will be received up to 15th June 1865. For particulars apply to Executive Engineer, Bhaugulpore.

NOTICE.

Tenders are invited for the supply of Doors and Windows for the new Government Buildings at Soory. Tenders will be received up to 30th June 1865. For particulars apply to Executive Engineer, Bhaugulpore.

LOST OR STOLEN.

Second half of Government Currency Note No. A.13—47,659, for one hundred Rupees.

NOTICE.

NOTICE is hereby given that the interest and responsibility of Mr. John Borradaile in our Firm ceased on the 30th day of April last.

BORRADAILE, SCHILLER & CO.

May 1865.

MR. ROBERT STEWART is this day admitted a partner in our Firm.

CALCUTTA, *1st May* 1865. } GLADSTONE, WYLLIE & CO.

NOTICE.

MR. EDWARD CREATON'S interest and responsibility in our Firm ceased on 30th April last.

CALCUTTA, *1st May* 1865. } MACKENZIE, LYALL & CO.

PRELIMINARY ANNOUNCEMENT.

IMPORTANT INDIGO FACTORIES FOR SALE.

To be sold by Public Auction on or about the 20th instant (unless previously disposed of by private contract)—

By order of the Mortgagees,

The well-known Indigo Factories called the Allumchund Concern, at Allahabad, with valuable Talook property attached thereto and Koontee crop now in the ground;

also,

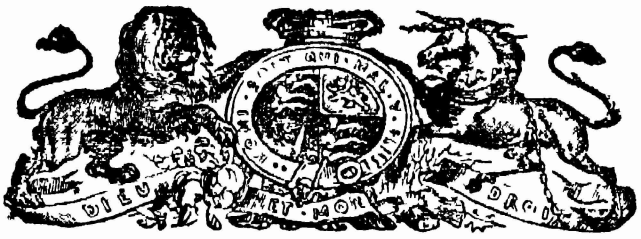
The Koorsun Factory, Allahabad, with Koontee crop, both lately the property of N. Flouest, Esq., deceased. Further particulars and conditions of sale will be published, and in the mean while applications to be made to Messrs. W. Moran and Co., Old Mint Mart, Calcutta, and Messrs. Barrow, Sen, and Watson, Old Post Office Street, Calcutta.

THE *GAZETTE OF INDIA.*

During the absence from Calcutta of the Members of the Government of India, or until further orders, the *Gazette of India* will be published at Simla. All communications, therefore, regarding the *Gazette* should be addressed to that Station.

Printed and Published for the Government of India by J. L. KINGHAM, *at the Government Press, Simla.*

No. 15.



SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, MAY 27, 1865.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees four annas if sent by Post.*

No Official Orders or Notifications the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

Government of India.

HOME DEPARTMENT.

Proposed Sale of Unappropriated Waste Lands in the Sunderbuns.

From the Hon'ble A. EDEN, Secy. to Govt. of Bengal, to Secy. to Govt. of India, Home Dept.,—(No. 559, dated 10th February 1865.)

I am directed by the Lieutenant Governor to submit, for the consideration and orders of His Excellency the Governor General in Council, the correspondence noted on the margin, relating to a proposal made by Mr. F. Schiller and other members (English and Native) of the commercial community of Calcutta to raise a capital of at least one million Sterling, for the purchase, clearance, and cultivation of the unappropriated Waste Lands of the Sunderbuns, the extent of which they estimate at about one million of acres, surveyed and unsurveyed.

Letter from Mr. F. Schiller and others, dated—— January 1865.

Letter to Secretary, Board of Revenue, No. 396, dated 30th January 1865.

Letter from Secretary, Board of Revenue, No. 40, dated 6th February 1865.

2. The projectors propose to bring this extensive tract under cultivation not only by the usual means of settling Bengallee ryots on the land, but, as they state in their application, by the introduction of settlers from China and from Madras, and other parts of the Coast of India, and by encouraging the immigration of free labor from Zanzibar.

3. The Board of Revenue, who were asked to report on this application, are of opinion that, if the Government is satisfied that the projectors can carry out the objects of their scheme within a reasonable time, it would be in accordance with Lord Dalhousie's policy of 1853 to entertain and encourage it, but that otherwise the Government had better continue to trust to the gradual process of clearance under existing Rules.

4. Considering the highly respectable character of the gentlemen whose names are attached to the application, and the certainty that there is at present a vast amount of unemployed capital at Bombay seeking investment, the Lieutenant Governor can entertain no reasonable doubt that they are serious in their intention of bringing the Sunderbuns under cultivation; that they can readily obtain a million Sterling of capital, or more, for the purpose; and that the undertaking, if energetically and judiciously managed, will be as profitable to the projectors, and to those whose capital is invested in it, as it will be beneficial to the country in every point of view.

5. But the magnitude of the proposal, even if its acceptance did not involve a departure from the strict terms of the Waste Land Rules, would render it necessary that the matter should be laid before the Government of India, and that the Lieutenant Governor should refrain from committing the Government to any course of action without the sanction of higher authority. The Lieutenant Governor, therefore, desires me to submit the proposal with the following remarks and recommendations.

6. It appears, from a Statement and Map furnished from the Surveyor General's Office, that, in that part of the Sunderbuns alone which is attached and belongs to the district of the 24-Pergunnahs, there are at present about 1,186,560 acres of unappropriated Waste Land, of which 518,579 acres have been surveyed and lotted, and the remainder, about 667,981 acres on the sea coast, are unsurveyed. The area occupied by the streams which intersect this tract is 522 square miles.

7. The Lieutenant Governor recommends that the projectors be informed that the Government

will allow this tract to be put up to auction, under the Waste Land Rules, at an upset price of two Rupees eight annas an acre, and sold to the highest bidder at or above that price,—the condition of the Rules which prescribes that the maximum area of every lot shall be 3,000 acres, being waived, but the Rules being in all other respects observed. At this rate the upset price of the whole land area will be Rs. 29,66,400, or nearly 30 lakhs. It will probably be advisable that the sale should, after due notice, be held in Calcutta.

8. As regards the intention of the projectors to encourage the immigration of free labour from the Coast of Africa, the projectors might be informed that the Government here cannot encourage any such intention; and that Her Majesty's Government in England would probably be strongly opposed to it on grounds of imperial policy. The projectors should also be given to understand that the Government holds itself free to take such measures as may from time to time be necessary, to secure the health and protection of other laborers who may be employed on the land, and of cultivators who may settle there.

9. If the projectors are willing to apply for the tract in question, on these terms and conditions, the Lieutenant Governor would strongly recommend that the application should be complied with. He thinks that the proposal to expend a million Sterling of capital, or more, in reclaiming the jungles of the Sunderbuns, is deserving of all possible encouragement; that the deposit required by the Rules, and still more the price which the projectors would have to pay for the land before they could acquire a perfect title, would afford abundant security that every exertion would be made to bring the land into cultivation in order to secure a speedy and profitable return; that if the scheme were to fail, the public interests could in no way suffer; while, on the other hand, some considerable progress at least would be made in the clearance of the jungles; and that, if it succeeds, its success will add materially to the wealth of Bengal and improve its sanatory condition.

10. On the other hand, the Lieutenant Governor sees no hope that if the clearance of the Sunderbuns be left to the ordinary operation of the Waste Rules (even though applicants are allowed the option of taking the lands without purchase, but subject to the future payment of revenue) it will be effected for ages to come. Not a single application to purchase land there, at the minimum price of two Rupees eight annas an acre, has been received; while the grants of land subject to future payment of revenue, though they comprise a total area of 694,348 acres in the Sunderbuns of the 24-Pergunnahs, extend only to a belt of moderate breadth contiguous to the cultivated land; and it is understood that, beyond this belt, the expense of clearance, and the difficulty of getting ryots to settle, are so great as to put it beyond the power of individuals, or even of small associations, to make the attempt. It is only by undertaking operations on a large scale that the reclamation of the more distant lots, and of the unsurveyed area on the sea coast, is possible.

From Messrs. F. SCHILLER and others, to His Honor the Lieutenant Governor of Bengal,—(dated—— January 1865.)

We the undersigned beg to submit to your Honor's consideration a proposition for the purchase of the remaining undisposed-of Waste Lands of the Sunderbuns, aggregating about one million of acres, some of which are at present unsurveyed. We should be glad to know the terms upon which the Government of India are prepared to sell these lands in freehold.

We propose to introduce settlers from China, Madras, and other parts of the Coast of India, and also encourage the immigration of free labor from Zanzibar on as large a scale as possible; for the carrying out of which special Acts of Legislature will have to be passed.

We propose to bring those wastes under the cultivation of various crops, among which we may mention that of cotton.

For the development of this enterprise, we engage to find a capital of not less than one million Sterling. And we trust the terms offered by Government will be such as to give us encouragement to proceed at once in a spirit which will deserve to command the success of this great work, which cannot fail to prove advantageous to the country and the Government, in sanitary and pecuniary points of view.

From S. C. BAYLEY, Esq., Junior Secy. to Govt. of Bengal, to Secy. to Board of Revenue, Lower Provinces,—(No. 396, dated 30th January 1865.)

With reference to the accompanying application,* I am directed to request that the Board will submit an immediate Report as to the advisability of accepting the offer of the projectors, and of making over to them the whole of the remaining unappropriated Waste Lands in the Sunderbuns, either on payment of the upset price of Rs. 2-8 an acre, or on a ninety-nine years' lease under the old Rules, as modified by recent orders. The Board will also have the goodness to state approximately what the extent of the remaining Waste Lands is, and submit a Map showing how they are situated.

* Return requested.

From R. B. CHAPMAN, Esq., Secy. to Board of Revenue, Lower Provinces, to Secy. to Govt. of Bengal,—(No. 40, dated 6th February 1865.)

In reply to letter No. 396, dated 30th ultimo, forwarding for report an application from Mr. Schiller and other gentlemen to purchase the remaining unappropriated Waste Lands in the Sunderbuns, I am directed to state that the objects sought by these gentlemen seem to be identical with those which the Government had in view in 1853, when the new Rules for the grant of lands in the Sunderbuns were published. If an individual or a Company can satisfy Government that these objects will be carried out under any feasible project, within a reasonable time, the Government would probably, in accordance with the policy of 1853, approve of such a project, and make concessions to the projectors,—inasmuch as revenue considerations were then held to be secondary to the clearance and population of the Sunderbuns.

2. Unless the Government are satisfied that the latter object will be secured by the acceptance of the projector's scheme, of which no idea is given in their letter, the Board would not recommend any disturbance of the gradual process of clearance contemplated by existing Rules. It is now open to enterprise to embark on clearing the forest to such extent, small or large, as capital offers, and either to buy the land or to rent it.

3. Information regarding the extent of the unappropriated portion of the Sunderbuns will be submitted shortly.

4. The enclosure of your letter is returned.

P. S.—The unappropriated area is estimated at 831,504 acres, besides a belt of unsurveyed land on the sea board.

From E. C. Bayley, Esq., Secy. to Govt. of India, Home Dept., to Secy. to Govt. of Bengal,—(No. 1425, dated 15th February 1865.)

I am directed to acknowledge the receipt of your letter No. 559, dated the 10th instant, and its enclosure, relating to a proposal made by Mr. F. Schiller and other Members (English and Native) of the Commercial community of Calcutta, to raise a capital of at least one million Sterling for the purchase, clearance, and cultivation of unappropriated Waste Lands in the Sunderbuns, the extent of which they estimate at about one million of acres, surveyed and unsurveyed.

2. It appears from the 6th paragraph of your letter that in that part of the Sunderbuns alone which is attached and belongs to the District of the 24-Pergunnahs, there are at present about 1,186,560 acres of unappropriated Waste Land, of which 518,579 acres have been surveyed and lotted, and the remainder, about 667,981 acres on the sea coast, are unsurveyed.

3. The Governor General in Council concurs in opinion with the Lieutenant Governor that the project of Mr. Schiller and his associates is deserving of encouragement; and His Excellency in Council, accordingly, approves of the terms and conditions on which His Honor proposes to offer the tract in question to the projectors, viz.:—

1st.—That the unappropriated Waste Land in the Sunderbuns of the 24-Pergunnahs shall be put up to public auction under the Waste Land Rules in one lot, at an upset price of two Rupees eight annas an acre, and sold to the highest bidder at or above that price; the condition of the Rules which prescribes that the maximum area of every lot shall be 3,000 acres, being waived, but the Rules being in all other respects observed.

2nd.—That the sale shall, after due notice, be held in Calcutta.

3rd.—That the projectors shall be distinctly informed that the Government cannot encourage any intention to import labor from the Coast of Africa.

4th.—That the Government shall be free to take such measures as may from time to time be necessary to secure the health and protection of laborers who may be employed on the land, and of cultivators who may settle there.

From F. Schiller, Esq., to His Excellency the Viceroy and Governor General of India,—(dated Calcutta, 8th April 1865.)

In January last I had the honor of an interview with your Excellency regarding the sale to a Company of the unappropriated portion of the Sunderbuns, and on the 1st of February last, at the request of Mr. Bayley, the Secretary to the Government of India, in the Home Department, I placed on record the substance of this interview in the form of an application.

The object of this application was to provide for the speedy cultivation of that large tract of fertile country, stretching eastwards from the Mutlah to the Megna River, comprising not only the Sunderbuns of the 24-Pergunnahs, but also those of Jessore and Backergunge. Shortly afterwards I had occasion to visit Bombay; and during may temporary absence from Calcutta, Mr. Kilburn undertook to make the further formal applications, and generally to work out the details of the scheme here; whilst I endeavoured to promote the financial measures of this great undertaking in Bombay.

Mr. Kilburn, in addressing the Revenue Commissioner of Nuddea, under date 22nd February A. C., upon this subject, by mistake, mentioned only the 24-Pergunnahs Sunderbuns as the land applied for.

This omission in Mr. Kilburn's application I discovered on my return to Calcutta; and to prevent mistake, I immediately wrote to Mr. Dampier, under date 17th March, stating that not only the 24-Pergunnahs, but also the Jessore and Backergunge Sunderbuns had been included in my verbal application to your Excellency, and were still intended to be applied for.

I further addressed both your Excellency and His Honor the Lieutenant Governor of Bengal upon this subject, under date the 29th March.

On reciving officially a docketted copy of a letter No. 1274,* dated 3rd April, from the Government of Bengal to the Board of Revenue, copy of which is annexed, I prepared jointly with some of the promoters the prospectus† of the "Sunderbuns Reclamation and Land Investment Company, Limited," copy of which is also appended.

* Appendix A.

† Appendix B.

Your Excellency will observe from this letter that not only the Sunderbuns of the 24-Pergunnahs, but also those of the Jessore Sunderbuns, are therein mentioned as two distinct blocks, and it is conceded to sell them as such waiving the Waste Land Rules which limits the area of land applied for by one person.

In order, however, that there might be no mistake in the wording of the Prospectus, I submitted it demi-officially to Mr. E. C. Bayley, and at his instance I called and laid it before the Hon'ble Mr. A. Eden; it was only after Mr. Eden had seen and approved of the Draft Prospectus that it was sent to the Press. The Prospectus was published on the 6th instant.

Late in the afternoon of the same day, I received a letter from the Government of Bengal, No. 1344 (Appendix C.), forwarding copy of letter from Government of Bengal to Board of Revenue (Appendix D,) directing the latter to withhold the modification of sales for the Jessore Sunderbuns.

Your Excellency cannot imagine my surprise at receiving such a communication, after the scheme had been published, and to an extent acted upon by the public.

Your Excellency cannot fail to observe on perusing these papers, that I acted, with others, in all good faith and upon the best authority; under these circumstances it is impossible for me, and those pledged with me, to draw back from the engagement with the public, nor do I see how the Government can ask me to do so.

So seriously would this withdrawal affect my commercial honor, so much would it impeach my integrity, and not only mine, but that of many others, that I cannot help appealing to your Excellency.

For the last twelve years I have striven hard, so far as I could to aid in the improvement and development of the country and its resources, and have succeeded in gaining the confidence of the Natives to such an extent that it is now possible to unite

them with European enterprize in such a great national undertaking as the present.

This undertaking is supported not only by the Natives of Bengal, but also by those of the other Presidencies, and it is impossible to foresee the result of the numerous complications which must necessarily arise from the many transactions and arrangements which have already been entered into by the public on the good faith of the undertaking.

Your Excellency will bear in mind that, in bringing forward the Sunderbuns Scheme, I have sought no personal advantages. I look upon it as a necessary sequence to the Port Canning Company, and every one must admit that ultimately the State will have the greatest advantage from it.

Finally, I trust your Excellency will give your earliest consideration to the subject of this letter, as you must see in what a painful position I am at present placed; and I leave it to your Excellency's sense of justice to place me once more on a proper footing towards the public.

APPENDIX A.

From S. C. Bayley, Esq., Junior Secy. to Govt. of Bengal, to Secy. to Board of Revenue,—(No. 1274, dated the 3rd April 1865.)

In continuation of docket No. 634, dated the 16th February last, forwarding copy of the orders of the Government of India, in the Home Department, No. 1425, dated the 15th idem, I was directed by the Lieutenant Governor to request that on an application being made by Mr. Schiller and others for the unappropiated lands in the Sunderbuns of the 24-Pergunnahs, and also for the unappropriated land in the Sunderbuns of Jessore, their applications may be dealt with under the Waste Land Rules, except as to limit of area; and, with this modification, that the period intervening between the issue of notice of sale and the day of sale is to be fixed at one month.

2. It will be understood that the sale, though made in general accordance with the Rules, will not be a sale under Act XXIII of 1863; and that the purchasers will not obtain a complete title under that Act. It will also be required of the purchaser, as a condition of sale, that they enter into a written agreement binding them to be responsible for, and to defend, any suits that may be brought against the Government as to rights in the land sold. This engagement should be drawn up in communication with the Government Law Officers.

3. I am desired, at the same time, to forward copy of two letters from Mr. Schiller, dated 29th and 31st ultimo, and to observe that only the Sunderbuns of the 24-Pergunnahs and of Jessore can be sold on these terms, and that these must be sold in two separate lots. The eastern boundary of the Jessore lot will be the River Hoorungotta.

4. Mr. Schiller's request that a deduction of one-fourth of the area be allowed, is inadmissible; and I am directed to state that the lands must be put up to sale at an upset price, calculated at Rs. 2-8 the acre on the whole area surveyed and estimated, exclusive of the rivers.

APPENDIX B.

[Here followed the Prospectus of the Soonderbuns Reclamation and Land Investment Company "Limited."]

APPENDIX C.

From S. C. Bayley, Esq., Junior Secy. to Govt. of Bengal, to F. Schiller, Esq.,—(No. 1344, dated 6th April 1865.)

The Lieutenant Governor desires me, in forwarding to you the accompanying copy of a letter this day addressed to the Board of Revenue, to express his regret for the misapprehension which has arisen in regard to the Sunderbun lands of Zillah Jessore.

APPENDIX D.

From S. C. Bayley, Esq., Junior Secy. to Govt. of Bengal, to Secy. to Board of Revenue,—(No. 1343, dated 6th April 1865.)

In continuation of my letter No. 1274 of 3rd instant, and of previous correspondence, the Lieutenant Governor desires me to inform the Board that as much of that letter as concerns the Sunderbun lands in Zillah Jessore must be considered cancelled. It was written under a misapprehension of the wishes of the Government of India; and as the concession which is therein made to Mr. Schiller and the gentlemen associated with him was intended by that Government to apply only to the Sunderbuns of 24-Pergunnahs, the portion of my letter extending the concession to the unappropriated land in Zillah Jessore must not be acted upon.

From A. M. Monteath, Esq., Under Secy. to Govt. of India, Home Dept., to Secy. to Govt. of Bengal,—(dated 10th April 1865.)

In forwarding to you the accompanying copy of a letter from Mr. Schiller, dated 8th April, I am desired to request that, with the permission of the Lieutenant Governor, you will inform Mr. Schiller that the Governor General in Council cannot consent to any departure from the decision communicated in Mr. Bayley's letter of the 15th of February, a copy of which letter was promptly furnished to Mr. Schiller and Mr. Kilburn, and in accordance with the terms of which the latter gentleman framed his formal application to the local Revenue Authorities.

3. Adverting to Mr. Schiller's statement in the letter now forwarded, that he submitted the Draft Prospectus to Mr. Bayley, the Secretary to the Government of India in the Home Department, I am desired to say that this statement, as far as it goes, is correct. But Mr. Schiller has omitted to say that Mr. Bayley objected to the inclusion of the Jessore Sunderbuns, as not having been authorized by the Government of India.

From F. Schiller, Esq., to Secy. to Govt. of India, Home Dept.—(dated Calcutta, 12th April 1865.)

With reference to the concessions already granted by the Government of India for the sale of that portion of the Sunderbuns known as within the 24-Pergunnahs, I have now the honor to apply for the Jessore portion of the same Waste and Forest Lands, on the same terms; and at the same time I would beg to remark that the *Sunderbuns Proper* are not confined to any particular district, the official Maps of the country having the word "Sunderbuns" written across the whole seaboard from the Hooghly to the Megna. In corroboration of this fact, I would respectfully beg to point out to His Excellency the Viceroy that the Local

Government entertains a Sunderbuns Commissioner for the whole land connected with the Sunderbuns, and whose jurisdiction is not limited to any particular district.

In conclusion, it is needless for me to dwell upon the expedient and sound policy of reclaiming these Wastes, now only a source of pestilence and disease to the surrounding country including the capital of India itself.

From F. SCHILLER, Esq., Calcutta, to Secy. to Govt. of Bengal,—(dated 13th April 1865.)

I have the honor to acknowledge receipt of copy of letter No. 3325, dated 10th April, addressed by the Government of India to the Government of Bengal.

With reference to the last clause of the 2nd paragraph of this letter, I have to state that my recollection of the conversation with Mr. Bayley is, that he merely said he was not aware that the Jessore Soonderbuns were to be included in the Waste Lands proposed to be acquired by the Company, but that if the Government of Bengal had agreed to include them in the sale, there could be no doubt this arrangement had been made between Mr. Beadon and the Government of India, and on this point, and on this point only, he advised me to see Mr. Eden to make sure whether the Jessore Soonderbuns were really included. I accordingly called on Mr. Eden, when he confirmed the terms made use of in the Prospectus, altering a few words regarding the putting up for sale of the 24-Pergunnahs and Jessore Soonderbuns in two distinct blocks instead of in one lot.

If Mr. Bayley had "objected" to the Jessore Soonderbuns being offered for sale, I should have felt it my special duty to have drawn Mr. Eden's attention to this point. I do not mention that on the occasion of these visits to the Secretaries of Government, I was accompanied by Baboo Ram Gopaul Ghose, who entirely corroborates the above statement.

The remarks in Mr. Secretary Monteath's letter, which, I presume, could only have been framed in such language owing to Mr. Bayley's absence from Calcutta, cast upon me the imputation of having withheld information and of having acted without authority. These charges I respectfully, but most emphatically, beg to deny.

From A. M. MONTEATH, Esq., Under Secy. to Govt. of India, Home Dept., to Junior Secy. to Govt. of Bengal,—(No. 416, dated Simla, 15th May 1865.)

The letter from Mr. Schiller to your address, dated the 13th April, a copy of which was forwarded with your Office endorsement No. 1591, dated the 24th idem, has been laid before the Governor General in Council; and at the same time His Excellency has become aware of a Notice issued by Messrs. Borradaile, Schiller and Co., as Secretaries to the Sunderbuns Reclamation and Land Investment Company, Limited, in which it is announced that the promoters of that scheme have decided to withdraw their Prospectus, in consequence of the general dissatisfaction caused by the withdrawal of the Jessore Sunderbuns by Government, and of the distrust created by the inability of Government to give a complete title to those portions of the Sunderbuns offered for sale.

2. In a letter to the Governor General, dated the 8th of April, Mr. Schiller defended the inclusion of the Jessore Sunderbuns in the Prospectus of the Company, partly by reference to an interview which he had had with the Secretary to the Government of India in the Home Department. Mr. Schiller wrote—

"In order, however, that there be no mistake in the wording of the Prospectus, I submitted it demi-officially to Mr. E. C. Bayley, and at his instance I called and laid it before the Hon'ble Mr. A. Eden; it was only after Mr. Eden had seen and approved of the Draft Prospectus that it was sent to the Press."

3. In forwarding Mr. Schiller's letter to you, the

Letter dat[illegible]
April 1865.

"Advert[illegible]
now forw[illegible]
Mr. Bay[illegible]
the Home Department, I am desired to say that this statement, as far as it goes, is correct. But Mr. Schiller has omitted to say that Mr. Bayley objected to the inclusion of the Jessore Sunderbuns as not having been authorized by the Government of India."

4. Mr. Schiller's letter dated the 13th of April, referred to at the beginning of this communication, is a reply to this remark. Mr. Schiller denies that Mr. Bayley 'objected' to the Jessore Sunderbuns being included in the Prospectus, and says that his "recollection of the conversation with Mr. Bayley is, that he merely said he was not aware that the Jessore Sunderbuns were to be included in the Waste Lands proposed to be acquired by the Company; but that if the Government of Bengal had agreed to include them in the sale, there could be no doubt this arrangement had been made between Mr. Beadon and the Government of India; and on this point, and on this point only, he advised me to see Mr. Eden, to make sure whether the Jessore Sunderbuns were really included." Mr. Schiller adds that if Mr. Bayley had objected to the Jessore Sun[illegible] attention to such an [illegible]

5. I am desired, with reference to this point, to forward herewith, for the information of the Lieutenant Governor, a statement which has been submitted to the Government by Mr. Bayley, giving his recollection of the conversation which passed between himself and Mr. Schiller on the occasion in question. The Governor General in Council, I am to say, has no hesitation in accepting this statement as substantially accurate; for it was natural and most probable that Mr. Bayley, under the actual circumstances of the case, should have doubted the authority of the Government of Bengal to add the Jessore Sunderbuns, and that he should have expressed his doubt; while, on the other hand, nothing can be more improbable than that Mr. Bayley, through whom, as the organ of the Government of India, the whole correspondence, official and unofficial, had passed from first to last, should have readily and at once admitted that if the Government of Bengal had agreed to include the Jessore Sunderbuns, "there could be no doubt the arrangement had been made between Mr. Beadon and the Government of India," notwithstanding that he (Mr. Bayley) was in complete ignorance of it.

6. The Governor General in Council regrets very much that Mr. Bayley should have been so materially misunderstood by Mr. Schiller, as from that gentleman's letter of the 13th would appear to have been the case; and His Excellency in Council remarks that it is especially unfortunate that Mr. Schiller, when he afterwards went to Mr. Eden, should have omitted to say explicitly to that gentle-

man that he had come to him at Mr. Bayley's suggestion, and in consequence of a doubt expressed by Mr. Bayley as to the correctness of including the Jessore Sunderbuns; for if Mr. Schiller had done this, it would no doubt have led Mr. Eden to refer to Mr. Bayley on the subject, and the issue of the erroneous Prospectus would thus in all probability have been prevented.

7. In the original preparation of the erroneous Prospectus, the promoters of the scheme were of [illegible]use warranted in including the Jessore Sunder- [illegible] [illegible]munication made to Mr. Schiller on [illegible] [illegible]il by the Government of Bengal; [illegible]r General in Council must say [illegible]is opinion, it is placed beyond all [illegible]stake might have been set right before the p[illegible]tion of the Prospectus, had Mr. Schiller given a closer attention to what was said to him by Mr. Bayley, and had he not most unfortunately failed to convey to Mr. Eden any impression that he had come to him in consequence of a serious doubt expressed by Mr. Bayley as to the correctness of the Draft Prospectus.

8. But it is implied by Mr. Schiller in his letter to the Governor General of the 8th ultimo, that, irrespectively of the permission erroneously conveyed in the letter from the Government of Bengal of the 3rd April, he had from the first, and throughout the negotiations, expected that the Jessore Sunderbuns would be granted to the Company. The Governor General in Council, I am to state, cannot admit that Mr. Schiller had the slightest ground for entertaining any such expectation; and with reference to this point, and also to the statement, contained in the Notice withdrawing the [illegible] to the irrability of the Government [illegible] Sunderbuns Reclamation Project have no just ground of complaint against the Government of India.

9. As a sequel to previous unofficial communications with the Secretary to the Government of India, and personally with His Excellency the Governor General, Mr. Schiller and other gentlemen addressed an official letter to the Government of Bengal, in which they submitted for the Lieutenant Governor's consideration "a proposition for the purchase of the remaining undisposed of Waste Lands of the Sunderbuns, aggregating about one million of acres."

10. This letter, after being referred by the Lieutenant Governor for the opinion of the Board of Revenue, was submitted on the 10th of February to the Government of India with the following remarks:—

"I am directed by the Lieutenant Governor to submit for the consideration and orders of His Excellency the Governor General in Council, the correspondence noted on the margin, relating to a proposal made by Mr. F. Schiller and other Members (English and Native) of the Commercial community of Calcutta to raise a capital of at least one million sterling for the purchase, clearance, and cultivation of the unappropriated Waste Lands of the Sunderbuns, the extent of which they estimate at about one million of acres surveyed and unsurveyed.

Letter from Mr. F. Schiller and others, dated—January 1865.
Letter to Secretary, Board of Revenue, No. 396, dated 30th January 1865.
Letter from Secretary, Board of Revenue, No. 40, dated 6th February 1865.

* * * * * * *

"It appears from a Statement and Map furnished from the Surveyor General's office that in that part of the Sunderbuns alone which is attached and belongs to the district of the 24-Pergunnahs, there are at present about 1,186,560 acres of unappropriated Waste Land, of which 518,576 acres have been surveyed and lotted, and the remainder, about 667,981 acres on the sea coast, are unsurveyed. The area occupied by streams which intersects this tract is 522 square miles.

"The Lieutenant Governor recommends that the projectors be informed that the Government will allow this tract to be put up to auction under the Waste Land Rules, at an upset price of two Rupees eight annas an acre, and sold to the highest bidder at or above that price, —the condition of the Rules which prescribes that the maximum area of every lot shall be 3,000 acres being waived, but the rules being in all other respects observed."

11. To this communication the Government of India, on the 15th of February, replied as follows:—

"I am directed to acknowledge the receipt of your letter No. 559, dated the 10th instant, and its enclosure, relating to a proposal made by Mr. F. Schiller and other Members (English and Native) of the Commercial community of Calcutta, to raise a capital of at least one million sterling, for the purchase, clearance, and cultivation of unappropriated Waste Lands in the Sunderbuns, the extent of which they estimate at about one million of acres, surveyed and unsurveyed.

"It appears that in that part of the Sunderbuns alone which is attached and belongs to the district of the 24-Pergunnahs, there are at present about 1,186,560 acres of unappropriated Waste Land, of which 518,579 acres have been surveyed and lotted, and the remainder, about 667,981 acres on the sea cost, are unsurveyed.

"The Governor General in Council concurs in opinion with the Lieutenant Governor that the project of Mr. Schiller and his associates is deserving of encouragement; and His Excellency in Council accordingly approves of the terms and conditions on which His Honor proposes to offer the tract in question to the projectors."

12. Mr. Schiller having intermediately left Calcutta in order to proceed to Bombay, the decision of the Government of India was communicated to Mr. Kilburn, in accordance with Mr. Schiller's requests to that effect; and it is believed that a copy of the letter from the Government of India was also sent by the Bengal Government [illegible] Schiller [illegible] then,—that is say, on the 22nd of February,—made application to the Local Revenue Authorities for the grant of the Sunderbuns still undisposed of, contained in the district of the 24-Pergunnahs.

14. As this application was in exact accordance with the decision of the Government communicated to Mr. Kilburn, the Governor General in Council cannot but feel hesitation in accepting the statement contained in Mr. Schiller's letter of the 8th April that "Mr. Kilburn, in addressing the Revenue Commissioner of Nuddea, under date the 22nd February, *by mistake* mentioned "only the 24-Pergunnah Sunderbuns." In point of facts, it must have been perfectly well known to Mr. Kilburn at that time, and afterwards to Mr. Schiller, that the Government of India had decided to grant only the Sunderbuns of the 24-Pergunnahs (a tract, it may be observed, containing a large area than that asked for by the applicants, as supposed to be comprised in the whole of the undisposed of Sunderbuns); and though the unauthorized concession, subsequently made by the Government of Bengal in the orders dated the 3rd of April, led to the inclusion of the Jessore Sunderbuns in the Draft Prospectus, yet it is evident that that mistake might have been set right two days later, and previously to the publication of the Prospectus, had Mr. Schiller simply informed Mr. Eden that the correctness of the Draft Prospectus was doubted by the Secretary to the Government of India.

15. The mistake made by the Government of Bengal in the orders of April the 3rd is no doubt

greatly to be regretted; and the Governor General in Council is constrained to state his opinion that the Lieutenant Governor should not have acted in so important a matter without a clear and definite authority from the Government of India. But at the same time His Excellency in Council must add that, considering the frequent communications which had from the first been held by Mr. Schiller with the Secretary to the Government of India, it behoved Mr. Schiller to have attached more weight than he did to the objection started by Mr. Bayley, when the Draft Prospectus was shown to him to the inclusion of the Jessore Sunderbuns. And it is, at all events, beyond dispute that if, previously to the unauthorized order of the Bengal Government, Mr. Schiller had led the promoters of the project, whether in Bombay or in Calcutta, to believe that the Jessore Sunderbuns as well as the 24-Pergunnah Sunderbuns were to be sold, he did so on his own responsibility, and without warrant of any authority whatever, either from the Government of India or from the Government of Bengal.

16. With respect to the alleged injurious effect upon the scheme from "the inability of Government to give a complete title," I am to remind the Lieutenant Governor that after Mr. Schiller's return to Calcutta, that gentleman and Mr. Kilburn wrote to the Governor General on the 21st of March, urging that the three months' Notice previously to the sale of the property required by the Waste Lands' Act should be dispensed with. "The applications for shares in this scheme" (they wrote) "are very numerous; but they must of course be considered as contingent upon the final sale of the property.

"As a very large amount of money is thus kept in suspense, the applicants are urgent in their demand that, the time prior to sale, Government to reconsider their determination and reduce the interval to one month. We are further encouraged to make this request by the fact that the principal Natives of this country are evidently prepared to enter with spirit upon the scheme, and we expect to see that it will be the means of bringing into circulation large sums of money which otherwise may remain hoarded.

"It is likewise of great importance to initiate the arrangements as soon as possible, and thus to be prepared for the necessary operations during the coming cold season."

17. The Governor General in Council, on carefully considering the circumstances of the case, came to the conclusion that this application might properly be complied with, provided that the Company was willing to accept the title of the Government as it stood, instead of securing a fresh title by the process of the Waste Lands' Act (XXIII of 1863). It was explained to Mr. Schiller in an unofficial letter from the Secretary to the Government of India that, in the case of the Sunderbuns, the title of the Government was in fact a perfectly secure one, and that the risk and responsibility of the Company in accepting the title as it stood would be nominal. Mr. Schiller replied to this communication from Mr. Bayley in the following terms:—"I am much obliged for the information conveyed in your letter, which is very satisfactory. We can now bring out the Company and relieve the public mind."

18. In the face of this correspondence, and seeing that the existing title of Government is to all intents and purposes a complete title, and considering also that it was entirely optional with the projectors either to accept the title of Government as it stood, or to secure a new and statutory title by following the course prescribed by the Waste Lands' Act, it appears to the Governor General in Council that the failure to proceed with the project is not reasonably or justly attributable to "the inability of Government to give a complete title."

MEMORANDUM.

On Tuesday evening, the 4th April, I received a note from Mr. Schiller, asking if I could see Baboo Ramgopal Ghose and himself for a few minutes the following morning, before I went to Council. I replied that I would do so.

Mr. Schiller and Baboo Ramgopal Ghose accordingly came a little after 10 A. M., and said they wished to show me part of their Prospectus. This was the paragraph which is now the second in their Prospectus. It was copied out separately, and, as shown to me, ran thus:—"The Government of India have consented to sell the *whole* of the unappropriated lands in the Sunderbuns in one lot," or words precisely to the same effect.

I said at once that this was all wrong, and that only the land in the Sunderbuns of the 24-*Pergunnahs* was to be sold. Mr. Schiller replied that the Government of Bengal had informed them otherwise. I said that there certainly *must* be some mistake for the Sunderbuns of Backergunge, for example, had been nearly all sold already, and the rest could hardly, in fairness to present settlers, be sold to the Company.

Mr. Schiller replied that the Backergunge Sun-

I repeated that there [illegible] that all the correspondence, both official and demi-official, had passed through myself, and that no authority whatever had been given except for the sale of the Sunderbuns of the 24-Pergunnahs; this I said more than once; and Mr. Schiller and Baboo Ramgopal Ghose both repeated three or four times that "they had it in black and white from Mr. Beadon that the Government of India had consented to sell the Jessore Sunderbuns."

To this I said I felt almost certain there must be some mistake; that it was barely possible, indeed, that the Lieutenant Governor might have had some direct communication from the Government of India, but I thought it most unlikely that this was so, for all the correspondence had passed through me up to a very recent date indeed, and I ought to have known if anything further had been said or done; that the only thing which made me think it even barely possible, was the mention made by Sir C. Trevelyan in his Budget speech of the proceeds of the Jessore Sunderbuns; but still I felt almost sure that no such authority had been given, and begged that, before issuing the Prospectus, they would make the matter perfectly certain, by personally communicating with Mr. Beadon; this they said they would do.

They then asked if the Prospectus was otherwise right; I said "yes," save that the official orders to Bengal were to sell the Sunderbuns of the 24-Pergunnahs only in one lot; and as these had not been cancelled or altered, the Jessore Sunderbuns, if sold at all, must be sold separately.

As they were going away (the interview lasted only a very few minutes), Mr. Schiller turned round to me, and saying that they had but little time, as they wished to get out the Prospectus next morning, and that it was a long hot drive to Belvidere, asked me if it would not do equally well if they saw Mr. Eden. I replied I had no doubt that if the Lieutenant Governor had received any authority to sell the Jessore Sunderbuns, Mr. Eden knew of it, and what it was. Mr. Schiller then asked me to send a man with him to point out Mr. Eden's house, but Baboo Ramgopal Ghose said that he knew it.

That afternoon I repeated the substance of the interview in Council.

E. C. BAYLEY,
Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

Defects of our Railways.

From Secy. to Govt. of India, P. W. Dept., to Secretaries to Govts. of Bengal, North-Western Provinces, and Punjab, and to Chief Commr., Central Provinces,—(dated 25th February 1864.)

I am directed to forward for information, as indicating from a native point of view some of the defects of our Railways, a copy of an anonymous petition which has been received in this Office.

[illegible] the people travelling on the old road, Seraees with Puraos or plains attached to them, have been established at every stage; wells constructed, trees grown on the sides of the road; and chowkees for the protection of the travellers appointed, through the kind attention of the Government. Now, however, since the construction of Railways in this country, the people, with a view to reach speedily the places of their destination, travel by Rail, and have therefore deserted the old road which possesses all the advantages described above. Travelling by Rail subjects the people to the following three kinds of inconvenience, viz. :—

1st.—That there is no well close to the Station from which the travellers can drink water.

2ndly.—That there is no Seraee adjacent to the Station for the travellers to rest at night.

3rdly.—That there is no Purao or plain close to the Station where travellers may cook their meals.

I therefore suggest that the same improvements may be made in the Railway Stations as have been done in the old roads for the comforts of the people.

The troubles and inconveniences to which the natives travelling by Rail are subject, may be removed in two ways—

1st.—The Railway Authorities should charge half an anna on every Rupee above the usual fare, and from this income they should have a well constructed at every third Station, establish at the distance of every 200 miles a Seraee, and secure close to it a plain of 2 acres with some shadowy trees thereon.

2nd.—A notice should be issued to the effect that those who may from virtue's sake be inclined to construct wells, or establish Seraees by the Railway Stations, shall apply to the Railway Authorities, who will pay every attention to such applications.

Memo.,—From Under Secy. to Govt. of Punjab, P. W. Dept., Railway Branch, to Secy. to Govt. of India, P. W. Dept.,—(dated Lahore, 17th April 1865.)

With reference to Secretary's letter No. $\frac{155B}{105B}$, dated 24th ultimo, forwarding for the information of this Government copy of an anonymous petition that had been received in the Secretary's Office, and indicating from a native point of view some of the defects and inconveniences experienced in Railway travelling in India, the undersigned is directed to transmit copy of a Circular which, at the suggestion the Hon'ble the Lieutenant Governor, has been prepared by the Financial Commissioner, and this day approved for issue to the Commissioners of the several Divisions traversed by both the Punjab and Delhi Railways.

2. The Lieutenant Governor trusts it will have the desired effect in due time; but it is to be observed that previously had the erection of a large Serai, &c., been commenced close to the Raiwind Station at the 26th mile on the line to Mooltan, where a feeder road constructed from Ferozepore and Kussoor joins it, the same being constructed by a public-spirited native resident of Kussoor, to whom the Government has granted a piece of land rent free for the purpose.

Circular,—From the Financial Commr. for the Punjab, to Commrs. of Delhi, Umballa, Jullundhur, Umrit-

It has been brought to the notice of His Honor the Lieutenant Governor that natives travelling by Railways are put to inconvenience by the want generally in the vicinity of the intermediate Stations of wells for drinking water, and at the principal Stations by the want of Seraes to rest in at night, and encamping grounds where they can cook their food. It is true that in the larger towns there is no want of Seraes, but they are often not in convenient proximity to the Railway Station.

2. Apart from the efforts which may be made to meet these wants by the direct action of the Government or of Local Committees, it has occurred to His Honor the Lieutenant Governor that public-spirited individuals might be disposed to aid in promoting the comfort and conveniences of the natives who travel by Railway if the rules now in force for encouraging the formation of wells and groves on lines of road were now extended also to lines of Railway. I request, therefore, that the influence of yourself and your district officers may be exerted in securing the co-operation of public-spirited individuals in this matter, and that you will notify to them that the Government will be prepared to assist with small grants of land free of demand, all persons who will construct wells and groves, Seraes, Dhurumsallas, and other conveniences for native travellers at the several Stations on lines of Railways in this province.

A list of Railway Stations on the line from Delhi to Umritsur and from Umritsur to Mooltan is hereto appended. A report should be furnished at the end of twelve months, showing how far individuals have interested themselves in the matter.

Plate-laying in the Punjab Railway.

Progress Report of Plate-laying for the month ending February 1865.

	Miles.	Chains.		Plate-laying required.	Previously		This Month		Total		Remarks.
					Linked in.	Completed.	Linked in.	Completed.	Linked in.	Completed.	
			District No. 1.	M. C.							
From	...	72	Main Line at Lahore Station								
To	31	65	Umritsur Station	30 73	30 73 0	30 73 0	.....	.....	30 73 0	30 73 0	
			District No 2.								
From	...	72	Main Line at Lahore Station								
To	54	...	" towards Mooltan	53 8	53 8 0	53 8 0	.....	.....	53 8 0	53 8 0	
			District No. 3.								
From	54	...	Main Line								
To	110	...	" towards Mooltan	56 0	56 0 0	0 4 0	.....	.....	56 0 0	0 4 0	
			District No. 4.								
From	110	...	Main Line								
To	166	...	" towards Mooltan	56 0	56 0 0	42 0 0	.....	2 0 0	56 0 0	44 0 0	
			District No. 5.								
From	166	...	Main Line								
To	220	30	Sher Shah Terminus, 11½ miles beyond Mooltan Station...	54 30	54 50 0	50 30 0	.....	.....	54 50 0	50 30 0	
			Total for Main Line ...	250 31	250 51 0	176 35 0	.....	2 0 0	250 51 0	178 35 0	
			Station Yards and Sidings ...	30 67	15 75 97	13 19 97	0 40 0	.....	16 35 97	13 19 97	
			Total ...	281 18	266 46 97	189 54 97	0 40 0	2 0 0	267 6 97	191 54 97	

LAHORE,
6th April 1865.

Government of Madras.

Chinchona Operations in the Neilgherries.

Report on the Number, Distribution, and Condition of Chinchona plants on the Neilgherries on the 31st March 1865.

Species.	Botanical names.	Commercial names.	No. of plants.	Value per lb. of Dry Bark in the London Market.	Remarks.
				s. d. s. d.	
1	C. Succirubra ...	Red Bark	1,61,273	2 6 to 8 9	The number of plants permanently planted out in the plantations remain the same as last month, namely, 1,65,351.
2	C. Calisaya ...	Yellow Bark	2,711	2 10 to 7 0	
3	C. Officinalis Var Condamenia (C. Uritusinga)	Original Loxa Bark.	3,483	2 10 to 7 0	
4	Ditto Var Bonplandiana (C. Chahuarguera)	Select Crown Bark	3,56,072	2 10 to 7 0	
5	C. Crespilla ...	Fine Crown Bark ...	2,579	2 10 to 6 0	The increase by propagation is 16,900, being 3,544 plants under the average of the last six months, making the total number of plants at the end of the month 5,55,922.
6	C. Lancifolia ...	Pitayo Bark ...	38	1 8 to 2 10	
7	C. Nitida ...	Genuine Grey Bark	2,786	1 8 to 2 9	
8	C. Species without name ...	Fine Grey Bark ...	8,500	1 8 to 2 10	
		Grey Bark ...	14,666	1 8 to 2 9	
9	C. Micrantha ...	Finest Grey Bark...	3,389	1 8 to 2 10.	
10	C. Peruviana ...	Unknown ...	425	Worthless.	
11	C. Pahudiana ...				
		Total number of plants...	5,55,922		

TABLE II.

Memorandum of the growth of eleven plants of C. Succirubra, planted on the 2nd Denison Plantation at Neddivuttum, on the 30th August 1862.

No. of plants.	Height in inches when planted on the 30th August 1862.	Height in inches on the 28th Feb. 1865.	Height in inches on the 31st March 1865.	Growth in inches during Mar. 1865.	By whom planted.
1	23	114	115	1	His Excellency Sir W. Denison.
2	16½	102½	102¾	¼	
3	19	106	106	0	
4	15	99½	100	½	
5	27	118	118	0	
6	20	91	91¼	¼	
7	20	109	109	0	J. W. Breeks, Esq.
8	18	110	110½	½	Dr. Sanderson.
9	20	113	114	1	J. D. Sim, Esq.
10	20	114½	114½	0	Lieutenant McLeod.
11	18	99	99½	½	P. Grant, Esq.
12	...	55	55	0	Plant cut down for bark.

Table II. exhibits the growth of eleven plants of Chinchona Succirubra planted out by His Excellency the Governor and other gentlemen at Neddivuttum on the 30th August 1862. The average growth of these plants during the month is $\frac{4}{44}$ths of an inch, being $\frac{3}{44}$ths of an inch under the growth of last month.

One of the two plants cut down on the 20th of March 1863 for the bark submitted to Mr. Howard for analysis has made strong shoots of 55 inches in height, but has not increased in height during the current month.

TABLE III.

[illegible] on the Dodabetta

No. of plants.	Height in inches when planted on the 30th September 1863.	Height in inches on the 28th Feb. 1865.	Height in inches on the 31st March 1865.	Growth in inches during March 1865.
1	19	72	74	2
2	14½	64	68	4
3	28	76	78½	2½
4	22	79	80½	1½
5	21½	75	76½	1½
6	28	82½	86	3½
7	22½	73	76	3
8	21½	72	74	2
9	21½	80	81	1
10	19½	73	74	1
11	24	76	78	2
12	24	77	79	2

The twelve plants of C. Officinalis (a shrubby species) on the Dodabetta Plantation give an average growth of $2\frac{1}{6}$th inches, or 1 inch above the growth of last month.

The number of plants issued to the public during this month is 580, making the total number of plants distributed 53,437.

OOTACAMUND,
7th April 1865.

(Signed) W. G. McIVOR,
Supdt., Govt. Chinchona Plantations.

Printed and Published for the Government of India, by O. T. CUTTER, *at the Military Orphan Press.*

No. 22.

The Gazette of India.

Published by Authority.

SIMLA, SATURDAY, JUNE 3, 1865.

HOME DEPARTMENT.

No. 873.

Simla, the 26th May 1865.

Appointment.—Mr. John Halliday, Honorary Magistrate for the town and district of Moulmein, to be a Justice of the Peace in British Burmah.

No. 875.

The 27th May 1865.

Notifications.—Dr. J. C. Whisham, Civil Assistant Surgeon, Fyzabad, has obtained two months' leave on medical certificate, under the Rules applicable to Military Officers in civil employ, from such date as he may avail himself of the same.

No. 877.

The 29th May 1865.

Moung Shivé Noo and Moung Shive Lat are invested with the powers of subordinate Magistrates of the 2nd Class, as described in Section 22 of Act XXV. of 1861, while officiating as Extra Assistant Commissioners of the 3rd Grade in British Burmah.

No. 879.

Moung Phay Hlaw, Extra Assistant Commissioner, 3rd Grade (Myoke), in the Tenasserim Division, British Burmah, is invested with the powers of a subordinate Magistrate of the 2nd Class, as described in Section 22 of Act. XXV. of 1861.

No. 881.

The undermentioned Officers in the Central Provinces are invested with the powers of a Magistrate, described in Chapter II., Section 22 of Act XXV. of 1861 :—

Lieutenant	M. M. Bowie,	Assistant Commissioner.
Do.	J. H. Macdougal,	ditto.
Do.	H. J. Lugard,	ditto.
Do.	T. H. B. Brooke,	ditto.
Do.	J. A. Temple,	ditto.

No. 883.

The 30th May 1865.

Appointment.—Lieutenant W. F. Badgley, Staff Corps, Adjutant, 26th (Punjab) Regiment, Native Infantry, to be a Probationary Assistant in the Topographical Branch of the Survey Department.

No. 884.

Notifications.—In continuation of the Notice published under Notification No. 658 of the 22nd instant, intimating that a Light would probably be shewn at an early date from the Alguada Reef Lighthouse, the following Notice, announcing the actual exhibition of the Light and containing directions for sailing vessels, is published for general information :—

COASTS OF BRITISH BURMAH.

Alguada Reef Lighthouse.

Notice to Mariners.

A First Class Revolving Light was exhibited for the first time from the Alguada Reef in the Bay of Bengal, on the night of the 23rd April 1865, and will continue to be shewn from that date.

The Light, which is 144 feet above high water mark, attains its greatest brilliancy once a minute; and is visible, in clear weather, 20 nautical miles from the poop of a large ship.

Cape Negrais bears from the Lighthouse, N. ¼ W.

The Pagoda on Pagoda Point, N. ¾ E.

Porian Point, N. E. by N.

The centre of Diamond Island, N. N. E.

Vessels approaching the Alguada Reef will still find it necessary to be careful. The tides, when uninfluenced by the wind, set across the Reef, and with a good deal of strength between the Reef and the Phæton Shoal. Vessels, therefore, should not come under 20 fathoms on the North-Western side, as the water shoals suddenly on this side, especially towards the South-West part of the rocks.

Fifteen fathoms will be a safe depth to pass in on the southern and eastern sides.

There is a good channel to the North of the Reef; between it and the Phæton Shoal; but the navigation must always be attended with some risk to those unacquainted with it, there being no plain marks that can be specified as a safe and sure guide through. Should, however, circumstances compel a vessel to go through the Northern Channel, it will be well to borrow on the Alguada Reef side, passing about half a mile distant from the North-Eastern most visible rock, and not coming under 11 fathoms. Should it be high water, the breakers will show the rocks.

On the eastern side of the Reef, vessels may know they are clear of danger by keeping the high land off Heingyee (or Negrais Island) well open to the eastward of Diamond Island.

(Sd.) A. FRASER, *Lieut-Col.*, R. E.
Supdt. of Lighthouses.

Dated off Heingyee, 4th May 1865.

G. F. WELLS, *Master Attendant, Bassein.*

No. 994.

Lieutenant R. M. B. Thomas, Assistant Commissioner in the Central Provinces, is invested with the powers of a subordinate Magistrate of the 1st Class, described in Chapter II., Section 22 of Act XXV. of 1861.

No. 996.

Dr. J. Anderson, appointed by the Secretary of State to be Curator of the Imperial Museum at Calcutta, assumed charge of his duties on the 3rd March last.

No. 999.

The 31st May 1865.

The Governor General in Council is pleased to order, under the provisions of Section 15, Act V. of 1861, that a force of extra Police, consisting of three Constables on Rs. 6 each per mensem, shall be quartered on the village of Golamhow in the district of Durriabad, for a period of six months, and shall be maintained at the cost of the proprietary body of the village.

No. 1001.

Mr. J. C. Colvin, Bengal Civil Service, has reported his departure from India per Steam Ship *Bengal*, which vessel was left by the Pilot at Sea on the 10th instant.

No. 1002.

Mr. J. B. Worgan, Bengal Civil Service, has reported his departure from India per Steam Ship *Erymanthe*, which vessel was left by the Pilot at Sea on the 5th instant.

No. 1003.

Mr. C. A. R. Browning, B. A., Officiating Director of Public Instruction in the Central Provinces, is granted leave of absence to Europe for fifteen months under medical certificate.

F. C. BAYLEY,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

No. 214.

JUDICIAL.

Simla, the 29th May 1865.

Notification.—His Excellency the Viceroy and Governor General in Council is pleased to extend the provisions of Act XIV. of 1859 (*an Act to provide for the limitation of suits*) to the British Cantonments, within the limits of the Central India Agency, in which Small Cause Courts have been established under Section 6 of Act XXII. of 1864.

No. 454.

POLITICAL.

The 29th May 1865.

Notification.—His Excellency the Governor General in Council is pleased to publish, for general information, the following Rules prepared with reference to the case of British subjects travelling (under Article 3 of the Commercial Treaty with Burmah, dated 1st September 1827) within Burmese Territories, and providing generally for the course to be pursued by British subjects, when meeting Burmese officials upon the public streets and roads of the Burmese Capital, Mandelay.

These Rules have been framed by the Chief Commissioner of British Burmah, with the concurrence of the Government of Burmah: and His Excellency in Council desires to impress upon persons travelling within Burmese territory the necessity of strictly observing them.

Recent experience has shown the need of a common Code of Rules, to which British and Burmese could alike refer; and persons neglecting to attend to the Rules now published, will, in the event of complications, have no claim upon their Government for redress:—

RULES.

I.—British subjects desiring to travel through any of the Towns and Districts of the Burmese Empire away from the river Irrawaddy, and not carrying a large number of arms, but travelling in the manner of Merchants, with four or five muskets only, will meet with no obstruction or impediment, and will be allowed to pass. But if any British subject desires to travel with a larger number of muskets, say about ten or twelve, or more, he must make an application to the Agent to the Chief Commissioner at Mandelay, who will submit it through the Ayebaing Woongyee for the sanction of the Minister of the Hlo Han. A passport will be then forwarded to the applicant, who will, in virtue thereof, be allowed to travel unrestrictedly.

II.—British subjects when meeting Burmese officials of rank, preceded by lictors, on any of the roads within the four and eight divisions of the boundaries of the Royal Golden City, must in all cases shew due respect to such officials, either by taking off the hat, or saluting with the hand. In the event of persons not attending to this Rule, the lictors will not be allowed to lay hand upon them, but a note will be taken of the occurrence, the person or persons will be indentified, and suitable orders will be issued, which shall be communicated to the Agent to the Chief Commissioner at the Royal Golden City.

III.—British subjects going to the Capital of Burmah, who may not know what Burmese officials are entitled to the above-mentioned marks of respect, can receive full information from the Agent to the Chief Commissioner at Mandelay.

By Order of His Excellency the Governor General in Council,

W. MUIR,
Secy. to the Govt. of India.

No. 216.

MILITARY.

The 31st May 1865.

Notification.—Assistant Surgeon F. H. O'Donel, M. D., in medical charge of the Meywar Bheel Corps, availed himself on the 10th instant, of the preparatory leave granted him in G. O. No. 56, dated 30th January 1865.

No. 1155.

GENERAL.

The 29th May 1865.

Notifications.—Colonel Fytche, Commissioner of the Tenasserim Division, British Burmah, made over charge of his Office to Lieutenant-Colonel D. Brown, on the afternoon of the 4th instant.

The preparatory leave of absence for one month, granted to Colonel Fytche in G. O. No. 938, dated 4th May, will have effect from the above date.

No. 1157.

Mr. J. W. Quinton is appointed to officiate as Deputy Commissioner of Seetapore in Oudh, from the afternoon of the 13th ultimo.

No. 1159.

Mr. C. A. Elliott, Settlement Officer of Hoshungabad in the Central Provinces, is granted fifteen days' leave to proceed to Bombay, preparatory to obtaining furlough to Europe.

No. 1169.

The 31st May 1865.

Captain S. S. Boulderson, Assistant Settlement Officer, Lucknow, availed himself on the forenoon of the 15th instant, of the three months' privilege leave granted him in G. O. No. 577, dated 13th March 1865.

A. COLVIN,
Offg. Under-Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

No. 529.

Simla, the 30th May 1865.

Notification.—In continuation of Notification No. 1367, dated the 10th March last, the following Statement of Cash Balances, as reported up to this date in the Government Treasuries in India, at the close of the month of February last, contrasted with that of the previous years, is published for general information :—

According to the present limits of the several Governments.	February 1863.	February 1864.	February 1865.
	Rupees.	*Rupees.*	*Rupees.*
Govt. of India ...	6,10,16,838	2,12,99,097	1,76,49,172
Bengal ... } British Burmah }	1,80,91,073	1,79,01,613	{ 1,47,49,831 { 23,52,973
N. W. Provinces including Oudh..	3,26,12,414	3,01,76,775	2,64,26,389
Punjab ...	1,29,45,852	1,01,54,056	1,41,27,356
Bombay ...	3,55,19,082	2,48,35,767	2,29,43,742
Central Provinces..	47,59,904	37,62,558	40,38,430
Deccan ...	30,78,351	35,32,964	23,16,553
Madras ...	2,83,69,475	2,87,51,885	2,07,01,746
Total Rupees ...	19,54,83,989	14,04,11,655	12,53,06,192

Published by Order of the Governor General in Council,

JOHN STRACHEY,
Offg. Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 29th May 1865.

No. 536 *of* 1865.—His Excellency the Governor General in Council is pleased to make the following appointment :—

Ordnance Commissariat Department.

Lieutenant R. F. Lowis, of the Royal Artillery, attached to the Hazara Mountain Train Battery, to officiate as 3rd Class Commissary of Ordnance, during the period Captain Tierney may officiate as 2nd Class Commissary, or until further orders.

2. This supersedes G. G. O. No. 427, dated 28th April 1865, appointing Lieutenant Lowis to the Hazara Mountain Train Battery, Punjab Irregular Force.

No. 537 *of* 1865.—His Excellency the Governor General of India has been pleased to appoint Captain H. B. Lockwood, late 4th European Light Cavalry, Officiating Aide-de-Camp, to be an Aide-de-Camp on His Excellency's Personal Staff, with effect from the 22nd ultimo—the date on which Lieutenant-Colonel Blane assumed charge of the Office of Military Secretary to the Viceroy.

No. 538 *of* 1865.—With reference to G. G. O. No. 198 of the 24th February 1865, Ensign R. G. Kennedy, of Her Majesty's 55th Foot, having returned from field service, resumed charge of his duty as Aide-de-Camp on the Personal Staff of His Excellency the Viceroy and Governor General of India on the 15th ultimo.

No. 539 *of* 1865.—In continuation of G. G. O. No. 523, dated 20th June 1864, it is hereby notified, under the authority of the Right Hon'ble the Secretary of State, that a Staff Corps Officer exchanging to a Regiment of the line whether a purchase or non-purchase Corps, must be held to have foregone all claim to pension under the Indian Regulations, as he altogether quits the Indian service, and promotion is made in his room in the cadre to which he formerly belonged.

The 30th May 1865.

No. 540 *of* 1865.—It is hereby notified that the provisions of G. G. O. No. 318 of the 29th March 1865, authorizing an increase of pay to Serjeant Majors of Regiments and Battalions of Infantry of the Line, are equally applicable to Serjeant Majors attached to Native Regiments.

No. 541 *of* 1865.—Captain W. H. Macnaghten, of the late 5th European Light Cavalry, Paid Doing-duty Officer, 2nd Cavalry, Hyderabad Contingent, is permitted at his own request to resign his appointment in the Contingent, and his services are accordingly placed at the disposal of His Excellency the Commander-in-Chief.

No. 542 *of* 1865.—His Excellency the Governor General in Council is pleased to make the following appointment:—

HYDERABAD CONTINGENT.

2nd Regiment Cavalry.

Lieutenant G. B. Farrington, Madras Staff Corps, Officiating Paid Doing-duty Officer, to be Paid Doing-duty Officer, *vice* Captain W. H. Macnaghten, resigned.

No. 543 *of* 1865.—The undermentioned Officer is admitted to the Bengal Staff Corps, with effect from the date specified opposite to his name, subject to the confirmation of the Right Hon'ble the Secretary of State for India:—

Captain R. J. L. Crutchley, of Her Majesty's 79th Highlanders, late 2nd in Command, 29th (Punjab) Regiment, Native Infantry, (now Cantonment Magistrate of Ferozepore).	From the 21st July 1862.

The 31st May 1865.

No. 544 *of* 1865.—With reference to the Notifications noted in the margin, issued by the Government of the North-Western Provinces, the services of the undermentioned Officers are placed at the disposal of His Excellency the Commander-in-Chief:—

Nos. 505A. and 506A., dated 12th instant.

Captain (Brevet Major) M. J. White, of the late 26th Native Infantry, District Superintendent of Police, Bijnore.

Lieutenant (Brevet Captain) W. Playfair, of the late 4th Native Infantry, Assistant District Superintendent of Police, Jhansie.

No. 545 *of* 1865.—The undermentioned Officer has reported his return from England:—

	Date of arrival at Fort William.
2nd Captain John Lidstone Watts, Royal Engineers.	11th May 1865.

No. 546 *of* 1865.—The undermentioned Officer is permitted to proceed to Europe, on leave of absence, on sick certificate:—

Lieutenant William Rice Morland Holroyd, of the Bengal Staff Corps, Inspector of Schools, Punjab.	For twenty months.

No. 547 *of* 1865.—The undermentioned Officer is permitted to proceed to Europe, on leave of absence, on sick certificate:—

Lieutenant-Colonel Raymond Torin Snow, of the Madras Staff Corps, Deputy Commissioner, 1st Class, Central Provinces.	For twenty months.

No. 548 *of* 1865.—Park Sergeant Norman Thorburn, having passed the prescribed examination, is appointed to officiate as Sub-Conductor in the Ordnance Department, to fill an existing vacancy.

No. 549 *of* 1865.—His Excellency the Governor General in Council is pleased to notify that the operation of G. G. O. No. 1209, dated 23rd November 1855, with regard to the passages, &c., of Officers and followers moving with troops by rail, is in no way affected by G. G. O. No. 773, dated 23rd September 1864.

No. 550 *of* 1865.—His Excellency the Governor General in Council is pleased to direct that from the 1st proximo, the pay and batta of Havildars and Naicks of Native Infantry Regiments receiving Line Rates of pay in the three Presidencies shall be drawn as noted below:—

	Pay.	Batta.	Total.
Havildar,	Rs. 11	Rs. 3	Rs. 14
Naick,	„ 9	„ 3	„ 12

The rate of additional batta allowed to these grades, when on field service or marching, will, however, remain unchanged.

No. 551 *of* 1865.—With reference to G. G. O. No. 165 of the 2nd March 1863, the name of the undermentioned Officer, who retired from the service under the Annuity Scheme of 1861, is removed from the list of the Regimental Lieutenant-Colonels of Infantry:—

Rank and Name.	Remarks.
Lieutenant-Colonel (Major General, Retired List) Joseph Graham.	By death of General Mossom Boyd, Bengal Infantry.

No. 552 *of* 1865.—The following promotions are made in the undermentioned Corps of the Native Army :—

Corps.	Rank and Name.	To what rank promoted.	From what date.	In whose room.
45th Regiment, N. I. (Rattray's Sikhs).	Havildar Bholah Sing	Jemadar...	2nd March 1865	Shekh Chote, resigned.
32nd (Punjab) Regiment, N. I. (Pioneers).	Havildar Jewun Singh	Jemadar...	1st April 1865	Jowahir Singh, deceased.

The 1st June 1865.

No. 553 *of* 1865.—The following extract from the *London Gazette* of the 28th March 1865, is published for general information :—

India Office, the 22nd March 1865.

Her Majesty has been pleased to approve the undermentioned promotions and alterations of rank amongst the Officers of the Staff Corps, and of Her Majesty's Indian Military Forces :—

BREVET,—BENGAL ARMY.

PROMOTIONS.

To be Lieutenant-Colonels.

Major George Burd Reddie, late 29th Native Infantry. Dated 18th February, 1861.
Major James Knox Spence, Staff Corps. Dated 18th February, 1861.
Major John Barrett, late 37th Native Infantry. Dated 18th February, 1861.
Major William Richardson, C. B., Staff Corps. Dated 18th February, 1861.
Major George Jackson, Staff Corps. Dated 18th February, 1861.
Major Robert John Hawthorne, late 2nd European Light Cavalry. Dated 18th February, 1861.
Major Stephenson Francis Macmullen, late 3rd European Light Cavalry. Dated 18th February, 1861.
Major Samuel Richard Tickell, Staff Corps. Dated 18th February, 1861.
Major Robert Napier Raikes, late 67th Native Infantry. Dated 18th February, 1861.
Major Peter William Luard, late 55th Native Infantry. Dated 18th February, 1861.
Major George Verner, Staff Corps. Dated 18th February, 1861.
Major Alexander Boyd, late 2nd European Bengal Fusiliers. Dated 18th February, 1861.
Major Richard Charles Lawrence, C. B., Staff Corps. Dated 18th February, 1861.
Major Henry Nicoll, Staff Corps. Dated 18th February, 1861.
Major Robert Christopher Tytler, late 38th Native Infantry. Dated 18th February, 1861.
Major Goodricke Armstrong Fisher, late 4th European Regiment. Dated 18th February, 1861.
Major Septimus Harding Becher, Staff Corps. Dated 18th February, 1861.
Major Charles Harris, late 27th Native Infantry. Dated 18th February, 1861.
Major John Samuel Drury Tulloch, Staff Corps. Dated 18th February, 1861.
Captain Charles Lionel Showers, late 14th Native Infantry. Dated 18th February, 1861.
Captain Augustus Turner, Staff Corps. Dated 18th February, 1861.
Major Samuel Brougham Faddy, late 36th Native Infantry. Dated 24th February, 1861.
Major John William Carter, late 54th Native Infantry. Dated 24th February, 1861.
Major Charles Fitzroy Miller Mundy, Staff Corps. Dated 23rd March, 1861.
Major Gordon Caulfeild, late 46th Native Infantry. Dated 23rd March, 1861.
Major Robert Renny, Staff Corps. Dated 31st March, 1861.
Major Henry Currey James, Staff Corps. Dated 12th June, 1861.
Major Edward Tuite Dalton, Staff Corps. Dated 13th June, 1861.
Major James Eardley Gastrell, Staff Corps. Dated 11th December, 1861.
Major George Nicolson Oakes, Staff Corps. Dated 3rd January, 1862.
Major John Nelson Thomas, late 39th Native Infantry. Dated 9th February, 1862.
Major Solomon Richards, Staff Corps. Dated 8th March, 1862.
Major Montagu James Turnbull, Staff Corps. Dated 28th June, 1862.
Major Samuel Hugh James Davies, Staff Corps. Dated 28th June, 1862.
Major William Robert Cunningham, late 5th European Regiment. Dated 31st January, 1863.
Major John Colpoys Haughton, Staff Corps. Dated 15th February, 1863.
Major Francis Walker Drummond, late 5th European Light Cavalry. Dated 2nd June, 1863.
Major Deane Christian Shute, late 19th Native Infantry. Dated 12th June, 1863.
Major Alfred Chicheley Plowden, Staff Corps. Dated 13th June, 1863.
Major Peter Drummond, late 22nd Native Infantry. Dated 13th June, 1863.
Major Peter Henry Knight Dewaal, late 34th Native Infantry. Dated 13th June, 1863.
Major Martin Boileau Whish, late 29th Native Infantry. Dated 13th June, 1863.
Major Joseph Pater Paterson Truscott Hawkey, late 74th Native Infantry. Dated 18th July, 1863.
Major Alexander Robinson, Staff Corps. Dated 27th August, 1863.
Major Francis Geach Crossman, late 45th Native Infantry. Dated 11th December 1863.
Major Charles Samuel John Terrot, late 29th Native Infantry. Dated 11th December, 1863.

Major Rowland Rees Mainwaring, late 6th European Regiment. Dated 21st December, 1863.
Major Richard John Meade, late 65th Native Infantry. Dated 1st March, 1864.
Major George Remington Cookson, late 4th Native Infantry. Dated 1st March, 1864.
Major George Holroyd, late 43rd Native Infantry. Dated 1st March, 1864.
Major Thomas Peach Waterman, late 13th Native Infantry. Dated 11th June, 1864.
Major William John Hicks, late 22nd Native Infantry. Dated 1st September, 1864.
Major James Wilberforce Lewis Bird, late 11th Native Infantry. Dated 23rd September, 1864.

To be Majors.

Captain George Remington Cookson, late 4th Native Infantry. Dated 18th February, 1861.
Captain Joseph Pater Paterson Truscott Hawkey, late 74th Native Infantry. Dated 18th February, 1861.
Captain Peter Drummond, late 22nd Native Infantry. Dated 18th February, 1861.
Captain William Forbes, late 27th Native Infantry. Dated 18th February, 1861.
Captain Edward James Simpson, late 69th Native Infantry. Dated 18th February, 1861.
Captain George Gibson Anderson, late 15th Native Infantry. Dated 18th February, 1861.
Captain John Nelson Thomas, late 39th Native Infantry. Dated 18th February, 1861.
Captain Peter Henry Knight Dewaal, late 34th Native Infantry. Dated 18th February, 1861.
Captain Charles Jackson, late 39th Native Infantry. Dated 18th February, 1861.
Captain Gordon Caulfeild, late 46th Native Infantry. Dated 18th February, 1861.
Captain John Nisbett, late 69th Native Infantry. Dated 18th February, 1861.
Captain John Scott Phillpotts, late 66th Native Infantry. Dated 18th February, 1861.
Captain Theophilus Green, late 48th Native Infantry. Dated 18th February, 1861.
Captain Henry Larkins Robertson, late 65th Native Infantry. Dated 18th February, 1861.
Captain Alexander Robinson, Staff Corps. Dated 18th February, 1861.
Captain Nicholas Carnegie Boswell, late 2nd Native Infantry. Dated 18th February, 1861.
Captain Martin Boileau Whish, late 29th Native Infantry. Dated 18th February, 1861.
Captain Alexander Sutton Osborn Donaldson, late 45th Native Infantry. Dated 18th February, 1861.
Captain Thomas Whittaker Seager, late 27th Native Infantry. Dated 18th February, 1861.
Captain James Price Clarkson, late 44th Native Infantry. Dated 18th February, 1861.
Captain Henry Richard Shelton, late 38th Native Infantry. Dated 18th February, 1861.
Captain James Wilberforce Lewis Bird, late 11th Native Infantry. Dated 18th February, 1861.
Captain William Robert Cunningham, late 5th European Regiment. Dated 18th February, 1861.
Captain Henry Mills, Staff Corps. Dated 18th February, 1861.
Captain Rowland Rees Mainwaring, late 6th European Regiment. Dated 18th February, 1861.
Captain Francis Walker Drummond, late 5th European Light Cavalry. Dated 18th February, 1861.
Captain Edward Tulloch, late 69th Native Infantry. Dated 18th February, 1861.
Captain Charles Samuel John Terrot, late 29th Native Infantry. Dated 18th February, 1861.
Captain George Holroyd, late 43rd Native Infantry. Dated 18th February, 1861.
Captain Thomas Peach Waterman, late 13th Native Infantry. Dated 18th February, 1861.
Captain Charles Brenton Basden, late 61st Native Infantry. Dated 18th February, 1861.
Captain William John Hicks, late 22nd Native Infantry. Dated 18th Febraury, 1861.
Captain Charles Need, late 6th European Regiment. Dated 18th February, 1861.
Captain Robert Chardin Wroughton, late 12th Native Infantry. Dated 18th February, 1861.
Captain William Fullerton, Staff Corps. Dated 18th February, 1861.
Captain Henry Duncan Twysden, late 33rd Native Infantry. Dated 18th February, 1861.
Captain Henry Elliott Young, late 64th Native Infantry. Dated 18th February, 1861.
Captain Wredenhall Queiros Pogson, late 43rd Native Infantry. Dated 18th February, 1861.
Captain William Claye Watson, late 47th Native Infantry. Dated 18th February, 1861.
Captain Hugh Lowman Pester, late 63rd Native Infantry. Dated 18th February, 1861.
Captain Lenox James Farquharson, late 3rd European Light Cavalry. Dated 18th February, 1861.
Captain Evelyn Bradford, late 23rd Native Infantry. Dated 18th February, 1861.
Captain Archibald Oliver Wood, late 14th Native Infantry. Dated 18th February, 1861.
Captain Edwin Thomas, late 3rd European Regiment. Dated 18th February, 1861.
Captain William Graydon, late 16th Native Infantry. Dated 18th February, 1861.
Captain Andrew Macqueen, Staff Corps. Dated 18th February, 1861.
Captain Henry Earl Read, late 50th Native Infantry. Dated 18th February, 1861.
Captain John Wedderburn, late 69th Native Infantry. Dated 18th February, 1861.
Captain William Thomas Garstin, late 70th Native Infantry. Dated 18th February, 1861.
Captain John Thomas Stephenson Hall, late 12th Native Infantry. Dated 18th February, 1861.
Captain Richard Nicholas, late 64th Native Infantry. Dated 18th February, 1861.
Captain John Ward, late 4th European Regiment. Dated 18th February, 1861.
Captain Charles Curtis Drury, late 34th Native Infantry. Dated 18th February, 1861.
Captain Charles Dumbleton, late 4th European Light Cavalry. Dated 18th February, 1861.
Captain William Metcalf, late 35th Native Infantry. Dated 18th February, 1861.
Captain William Henry Lowther, late 52nd Native Infantry. Dated 18th February, 1861.
Captain Authur Walshman Owen, Staff Corps. Dated 18th February, 1861.
Captain William Dunn Bishop, late 30th Native Infantry. Dated 18th February, 1861.
Captain Thomas Ellis Bridgeman Lees, Staff Corps. Dated 18th February, 1861,
Captain Charles Frederick Smith, Staff Corps. Dated 18th February, 1861.
Captain Albert Balcombe Beatson, late 56th Native Infantry. Dated 18th February, 1861.

Captain Henry Rawlins Drew, Staff Corps. Dated 18th February, 1861.
Captain George D'Aguilar, late 4th Native Infantry. Dated 18th February, 1861.
Captain William Clarke Green, late 60th Native Infantry. Dated 18th February, 1861.
Captain Edwin Shuckburgh Denniss, late 62nd Native Infantry. Dated 2nd April, 1861.
Captain Charles Bazil Gibbons Bacon, late 3rd European Regiment. Dated 24th May, 1861.
Captain Henry Daniel Maunsell, late 62nd Native Infantry. Dated 11th June, 1861.
Captain Charles Lyons Montgomery, late 65th Native Infantry. Dated 12th June, 1861.
Captain Holled Wallace Henry Coxe, Staff Corps Dated 12th June, 1861.
Captain Thomas Henry Wilson, late 57th Native Infantry. Dated 27th June, 1861.
Captain John Anstruther Angus, late 9th Native Infantry. Dated 15th July, 1861.
Captain John Smith, Staff Corps. Dated 29th July, 1861.
Captain George Byres Mainwaring, late 16th Native Infantry. Dated 8th January, 1862.
Captain Edmond Henry Cullen Wintle, Staff Corps. Dated 8th January, 1862.
Captain Edward Norman Perkins, late 14th Native Infantry. Dated 8th January, 1862.
Captain George Swiney, Staff Corps. Dated 30th January, 1862.
Captain Alexander Stewart Allen, Staff Corps. Dated 23rd February, 1862.
Captain Frederick John Davies, late 58th Native Infantry. Dated 2nd March, 1862.
Captain John Chadwick Dickson, late 33rd Native Infantry. Dated 7th April, 1862.
Captain Ernest Augustus Murray MacGregor, late 4th European Light Cavalry. Dated 8th June, 1862.
Captain Patrick George Scot, late 12th Native Infantry. Dated 10th June, 1862.
Captain James Mansfield Nuttall, late 5th European Regiment. Dated 10th June, 1862.
Captain Shakespear Sage, late 30th Native Infantry. Dated 11th June, 1862.
Captain George Huntley Gordon, late 39th Native Infantry. Dated 11th June, 1862.
Captain George Bruce Malleson, Staff Corps. Dated 11th June, 1862.
Captain Charles Hopkins Byers, Staff Corps. Dated 12th June, 1862.
Captain Henry Edward Iremonger, late 21st Native Infantry. Dated 19th June, 1862.
Captain Henry Croker Cuppage, late 15th Native Infantry. Dated 23rd June, 1862.
Captain Jeffery Edward Lake Willows, late 10th Native Infantry. Dated 23rd June, 1862.
Captain William Irwin, late 49th Native Infantry. Dated 8th July, 1862.
Captain Edmund Smyth, late 13th Native Infantry. Dated 10th July, 1862.
Captain Henry Boileau Adolphus Poulton, Staff Corps. Dated 10th July, 1862.
Captain Bempde Henry Baugh, Staff Corps. Dated 10th July, 1862.
Captain Peter Henry Peck Gill, Staff Corps. Dated 25th July, 1862.
Captain Toovey Archibald Corbett, Staff Corps. Dated 25th July, 1862.
Captain Charles Frederick Hicks, late 5th European Regiment. Dated 25th July, 1862.
Captain William John Ward, Staff Corps. Dated 25th July, 1862.
Captain Godfrey Colpoys Bloomfield, late 45th Native Infantry. Dated 27th August, 1862.
Captain Charles Andrews, late 72nd Native Infantry. Dated 27th August, 1862.
Captain Robert Alexander Napper, late 55th Native Infantry. Dated 9th September, 1862.
Captain Charles Reay, late 32nd Native Infantry. Dated 9th September, 1862.
Captain Edward Thompson, late 4th European Regiment. Dated 24th September, 1862.
Captain Charles Stephen Fowle, late 22nd Native Infantry. Dated 24th September, 1862.
Captain John Marche Earle, late 24th Native Infantry. Dated 9th December, 1862.
Captain Alexander Mackay Mackenzie, Staff Corps. Dated 9th December, 1862.
Captain Charles Irvine, Staff Corps. Dated 9th December, 1862.
Captain Felix Vincent Richard Jervis, late 56th Native Infantry. Dated 10th December, 1862.
Captain Henry King, Staff Corps. Dated 10th December, 1862.
Captain Charles Murray, Staff Corps. Dated 28th December, 1862.
Captain William Briggs, Staff Corps. Dated 17th February, 1863.
Captain John Guyse Sparke, Staff Corps. Dated 17th February, 1863.
Captain Edward Smalley, late 36th Native Infantry. Dated 22nd February, 1863.
Captain John Forbes Campbell, late 2nd European Bengal Fusiliers. Dated 25th February, 1863.
Captain Melville Francis Evatt, Staff Corps. Dated 25th February, 1863.
Captain William Dashwood Hoste, Staff Corps. Dated 4th April, 1863.
Captain C. F. Browne, Staff Corps. Dated 19th May, 1863.
Captain John James Dansey, late 16th Native Infantry. Dated 10th June, 1863.
Captain James Sebastian Rawlins, Staff Corps. Dated 10th June, 1863.
Captain William Henry Binny, Staff Corps. Dated 10th June, 1863.
Captain Samuel Richard John Owen, late 19th Native Infantry. Dated 20th June, 1863.
Captain George Frederick Frank Vincent, late 30th Native Infantry. Dated 21st June, 1863.
Captain Henry John Templer, late 5th European Regiment. Dated 10th July, 1863.
Captain Alexander Pond, late 3rd European Regiment. Dated 11th July, 1863.
Captain Hugh Grant, late 74th Native Infantry. Dated 24th August, 1863.
Captain Robert Howard Price, late 31st Native Infantry. Dated 1st September, 1863.
Captain George Ward, late 5th European Light Cavalry. Dated 1st December, 1863.
Captain Alexander Paterson, Staff Corps. Dated 9th December, 1863.
Captain Angelo Edward Osborn, late 45th Native Infantry. Dated 9th December, 1863.
Captain Robert Farquhar Webster, late 3rd European Regiment. Dated 9th December, 1863.
Captain James Thomas Norgate, Staff Corps. Dated 9th December, 1863.
Captain Alfred Le Gallais, Staff Corps. Dated 1st January, 1864.

Captain John Collings Bonamy, late 32nd Native Infantry. Dated 1st January, 1864.
Captain Edgar John Spilsbury. Staff Corps. Dated 16th January, 1864.
Captain Arthur Elderton, Staff Corps. Dated 27th January, 1864.
Captain Arthur Crawford, late 9th Native Infantry. Dated 27th January, 1864.
Captain Frederick Procter Bailey, late 6th European Regiment. Dated 9th February, 1864.
Captain John Richardson Auldjo, late 36th Native Infantry. Dated 28th February, 1864.
Captain Brooking Loady, late 24th Native Infantry. Dated 1st April, 1864.
Captain George Veasy Balderston, late 23rd Native Infantry. Dated 21st April, 1864.
Captain Thomas Wollams Holland, late 38th Native Infantry. Dated 7th June, 1864.
Captain Elliott Hyndman, late 27th Native Infantry. Dated 7th June, 1864.
Captain Alexander Irvine, late 24th Native Infantry. Dated 8th June, 1864.
Captain Robert Cony Whiting, late 70th Native Infantry. Dated 8th June, 1864.

To be Captains.

Lieutenant John Robert Currie, late 4th Native Infantry. Dated 18th February, 1861.
Lieutenant Henry Auriol Prinsep, late 4th Native Infantry. Dated 18th February, 1861.
Lieutenant George Corham Huxham, late 48th Native Infantry. Dated 18th February, 1861.
Lieutenant Augustus William Bolton, late 50th Native Infantry. Dated 18th February, 1861.
Lieutenant Frederic Nicolas Miles, Staff Corps. Dated 18th February, 1861.
Lieutenant James Andrews Monal Biggs, late 10th Native Infantry. Dated 18th February, 1861.
Lieutenant John Brenton Cox, Staff Corps. Dated 18th February, 1861.
Lieutenant Charles Vernon Jenkins, Staff Corps, Dated 18th February, 1861.
Lieutenant Francis Dashwood Ogilvie, late 46th Native Infantry. Dated 18th February, 1861.
Lieutenant Jocelyn Pickard Cambridge, late 2nd Native Infantry. Dated 18th February, 1861.
Lieutenant Robert Gordon Rogers, Staff Corps. Dated 18th February, 1861.
Lieutenant John Alfred Brereton, late 33rd Native Infantry. Dated 18th February, 1861.
Lieutenant Henry Richard Bradford, late 36th Native Infantry. Dated 18th February, 1861.
Lieutenant Frederick William Dunbar, Staff Corps. Dated 18th February, 1861.
Lieutenant Calvert Daw Stanley Clarke, late 73rd Native Infantry. Dated 18th February, 1861.
Lieutenant Alfred Combe, late 65th Native Infantry. Dated 18th February, 1861.
Lieutenant Boyle Torriano Stafford, Staff Corps. Dated 18th February, 1861.
Lieutenant Joseph White Orchard, late 33rd Native Infantry. Dated 18th February, 1861.
Lieutenant John Arthur Henry Moore, Staff Corps. Dated 18th February, 1861.
Lieutenant John Grant Sombre Matheson, late 2nd European Bengal Fusiliers. Dated 18th February, 1861.
Lieutenant Alexander Andrew Bruce, Staff Corps. Dated 18th February, 1861.
Lieutenant Charles Noble McMullin, late 73rd Native Infantry. Dated 18th February, 1861.
Lieutenant Joseph Reay, late 63rd Native Infantry. Dated 18th February, 1861.
Lieutenant Robert Durie Griffin, late 64th Native Infantry. Dated 18th February, 1861.
Lieutenant Francis Booth Norman, Staff Corps. Dated 18th February, 1861.
Lieutenant Richard Edward Oakes, Staff Corps. Dated 18th February, 1861.
Lieutenant Newton Barton, late 52nd Native Infantry. Dated 18th February, 1861.
Lieutenant Henry Albany Wyndham Waterfield, late 27th Native Infantry. Dated 18th February, 1861.
Lieutenant Harry Hammond Lyster, v. c., late 72nd Native Infantry. Dated 18th February, 1861.
Lieutenant Edward Humphrey Woodcock, late 55th Native Infantry. Dated 18th February, 1861.
Lieutenant Arthur Cory, late 16th Native Infantry. Dated 18th February, 1861.
Lieutenant Bruce Nielson Smith, Staff Corps, Dated 18th February, 1861.
Lieutenant Francis John Craigie, late 21st Native Infantry. Dated 18th February, 1861.
Lieutenant Robert Ochoncar Hawkins Forbes, Staff Corps. Dated 18th February, 1861.
Lieutenant John Palmer Turton, late 26th Native Infantry. Dated 18th February, 1861.
Lieutenant Edward O'Brien Horsford, late 46th Native Infantry. Dated 18th February, 1861.
Lieutenant David Simpson Buist, Staff Corps. Dated 18th February, 1861.
Lieutenant Henry Cape Smith, Staff Corps. Dated 18th February, 1861.
Lieutenant Augustus Arthur Currie, late 45th Native Infantry. Dated 2nd March, 1861.
Lieutenant Robert Stannus Graves, late 66th Native Infantry. Dated 2nd March, 1861.
Lieutenant James Thompson, late 58th Native Infantry. Dated 2nd March, 1861.
Lieutenant Dacres William Wise, Staff Corps. Dated 14th April, 1861.
Lieutenant Henry Zouch Darrah, Staff Corps. Dated 8th June, 1861.
Lieutenant William Butler Shawe, late 60th Native Infantry. Dated 8th June, 1861.
Lieutenant James Thomas Harris, Staff Corps. Dated 27th June, 1861.
Lieutenant Edward Pitches Wilson Ripley, late 51st Native Infantry. Dated 20th July, 1861.
Lieutenant Thomas Norris Baker, late 31st Native Infantry. Dated 20th September, 1861.
Lieutenant Henri Campbell, Staff Corps. Dated 11th December, 1861.
Lieutenant John Morland, 1st European Bengal Fusiliers. Dated 11th December, 1861.
Lieutenant George William Manson, Staff Corps. Dated 11th December, 1861.
Lieutenant William Alexander Garden, late 39th Native Infantry. Dated 11th December, 1861.
Lieutenant Beauchamp Colclough Urquhart, Staff Corps. Dated 11th December, 1861.
Lieutenant Richard Henry Wall, late 16th Native Infantry. Dated 11th December, 1861.
Lieutenant William Gordon, late 47th Native Infantry. Dated 12th December, 1861.
Lieutenant Thomas Buttanshaw, late 28th Native Infantry. Dated 12th December, 1861.
Lieutenant Henry Macdonald, late 19th Native Infantry. Dated 20th December, 1861.

Lieutenant William Jackson, Staff Corps. Dated 20th December, 1861.
Lieutenant Henry Vincent Mathias, Staff Corps. Dated 20th December, 1861.
Lieutenant Francis Whitworth Russell, late 3rd European Light Cavalry. Dated 20th December, 1861.
Lieutenant William Playfair, late 4th Native Infantry. Dated 20th December, 1861.
Lieutenant John Hobart Tyler, late 20th Native Infantry. Dated 20th December, 1861.
Lieutenant Henry Inglis, late 41st Native Infantry. Dated 20th January, 1862.
Lieutenant Melmoth Alaster Douglas Orchard, late 3rd European Regiment. Dated 21st January, 1862.
Lieutenant John Angelo, Staff Corps. Dated 7th February, 1862.
Lieutenant Charles William Fletcher, Staff Corps. Dated 20th February, 1862.
Lieutenant James John Russell, late 46th Native Infantry. Dated 3rd March, 1862.
Lieutenant Thomas Gally Ross, late 21st Native Infantry. Dated 20th March, 1862.
Lieutenant William Lowndes Randall, late 59th Native Infantry. Dated 14th June, 1862.
Lieutenant James Trevenen, Staff Corps. Dated 14th June, 1862.
Lieutenant William Cabell, late 62nd Native Infantry. Dated 26th June, 1862.
Lieutenant Ambrose Dawson Jennings, late 2nd European Light Cavalry. Dated 4th July, 1862.
Lieutenant Frederick Augustus Buckley, late 37th Native Infantry. Dated 17th July, 1862.
Lieutenant George Bowen Cassan Simpson, late 23rd Native Infantry. Dated 9th December, 1862.
Lieutenant Lawrence Henry Williams, late 5th European Regiment. Dated 10th December, 1862.
Lieutenant Thomas Edward Vander Gucht, Staff Corps. Dated 20th December, 1862.
Lieutenant Clarence Comyn Taylor, late 56th Native Infantry. Dated 20th December, 1862.
Lieutenant Brooke Rynd Chambers, Staff Corps. Dated 20th December, 1862.
Lieutenant William Edward Russell Roberts, late 54th Native Infantry. Dated 20th December, 1862.
Lieutenant William Phaire, late 51th Native Infantry. Dated 20th January, 1863.
Lieutenant Lionel Henry Planta De Hochepied Larpent, late 21st Native Infantry. Dated 20th January, 1863.
Lieutenant Thomas Martin Shelley, late 11th Native Infantry. Dated 20th January, 1863.
Lieutenant Frederick Macnaghten Armstrong, late 4th European Regiment. Dated 20th January, 1863.
Lieutenant Alexander Howe Bramley, late 41th Native Infantry. Dated 20th January, 1863.
Lieutenant Francis Henry Massey Sitwell, Staff Corps. Dated 20th January, 1863.
Lieutenant Archibald Edwards Campbell, late 31st Native Infantry. Dated 20th January, 1863.
Lieutenant Thomas James Watson, Staff Corps. Dated 20th February, 1863.
Lieutenant Mansfeldt George Smith, late 59th Native Infantry. Dated 10th April, 1863.
Lieutenant Henry Foord Bamford, late 38th Native Infantry. Dated 3rd May, 1863.
Lieutenant William Siddons Young, late 59th Native Infantry. Dated 13th June, 1863.
Lieutenant William Pemberton Fisher, late 4th European Regiment. Dated 13th June, 1863.
Lieutenant Willoughby Charles Stanley Clarke, late 37th Native Infantry. Dated 13th June, 1863.
Lieutenant Gavin Dring Crawfurd, late 18th Native Infantry. Dated 14th June, 1863.
Lieutenant Thomas Walter Rutherfurd, Staff Corps. Dated 14th June, 1863.
Lieutenant Willoughby Henry Garton, Staff Corps. Dated 14th June, 1863.
Lieutenant Cornelius Richardes, late 63rd Native Infantry. Dated 26th August, 1863.
Lieutenant Edwin Archibald Chester Lambert, late 1st European Bengal Fusiliers. Dated 12th December, 1863.
Lieutenant James Thomson, late 34th Native Infantry. Dated 12th December, 1863.
Lieutenant Frederick Jervis Ripley, Staff Corps. Dated 20th December, 1863.
Lieutenant Richard Manuel Sewell, Staff Corps. Dated 20th December, 1863.
Lieutenant Frederick Thomas Bainbridge, late 64th Native Infantry. Dated 20th January, 1864.
Lieutenant George Vincent Fosbery, late 4th European Regiment. Dated 20th January, 1864.
Lieutenant Francis Hollowell Inglefield, late 38th Native Infantry. Dated 20th February, 1864.
Lieutenant Mark Kerr St. John, late 49th Native Infantry. Dated 1st March, 1864.
Lieutenant Douglas George Manning, late 52nd Native Infantry. Dated 12th June, 1864.
Lieutenant Edward Richard Cumberland Wilcox, late 4th European Regiment. Dated 13th June, 1864.
Lieutenant Henry Robert Brown Worsley, late 47th Native Infantry. Dated 13th June, 1864.
Lieutenant Edmund Yeamans Walcott, late 57th Native Infantry. Dated 20th June, 1864.
Lieutenant Alexander McLeod Stewart, late 64th Native Infantry. Dated 20th June, 1864.
Lieutenant John Charles Campbell Daunt, V. C., late 70th Native Infantry. Dated 20th July, 1864.
Lieutenant Hardress Edmond Waller, late 40th Native Infantry. Dated 10th August, 1864.
Lieutenant Alfred Whiting, late 59th Native Infantry. Dated 26th August, 1864.
Lieutenant Rowland Smith, late 59th Native Infantry. Dated 26th August, 1864.
Lieutenant Alexander Bruce, late 28th Native Infantry. Dated 20th October, 1864.

The 1st June 1865.

No. 554 *of* 1865.—Lieutenant W. C. Ramsden, of the General List, Infantry, is permitted to proceed to sea on medical certificate, and to be absent on that account for four months, from the 22nd May 1865, under the new Regulations.

No. 555 *of* 1865.—The undermentioned Officer has reported his return from England :—

	Date of arrival at Bombay.
Lieutenant Archibald Lewis Playfair, late 6th European Regiment, Adjutant, 5th Infantry, Hyderabad Contingent.	11th May 1865.

The 2nd June 1865.

No. 556 *of* 1865.—With advertence to G. G. O. No. 772, dated 21st September 1864, His Excellency the Governor General in Council is pleased to authorize the following Scale of Clothing and Necessaries, for the use on board ship of European Invalids, men in health, time-expired men, women and children, when proceeding from India to England:—

Scale of Articles of Clothing and Necessaries for Invalids proceeding from India to England.

Blankets (country)	2 (No.) per man.
Flannel Banians	2 „ ditto.
Trowsers, Flannel	2 „ ditto.
Socks	2 pairs ditto.
Close Stool Pans, with Stools	1 for every 25 men.
Bed Pans	2 do. 100 men.
Urinals	2 do. do.
Hammocks, with Beds and Pillows	1 per man.
Framed Sea Cots	8 to 100 Invalids.
Spitting Pots	2 do. do.
Sauce Pans	2 do. do.
Soup Ladles	2 do. do.
Flesh Forks	2 do. do.
Frying Pans	1 do. do.
Canvas Frocks	2 for each man.

Scale of Articles of Clothing and Necessaries for Men in health, and time-expired Men, proceeding from India to England.

Hammocks, with Beds and Pillows	1 per man.
Framed Sea Cots	3 for 100 men.
Urinals	2 ditto.
Bed Pans	2 ditto.
Spitting Pots	2 ditto.
Canvas Frocks	2 for each man.

Scale of Articles of Clothing and Necessaries for Women proceeding from India to England.

	For women in health.	For sick women.
Blankets (country) ...	... ...	1 for each woman.
Suttrungees	... ...	1 ditto.
Flannel...	8½ yards for each woman	8½ yds. ditto.
Socks (Flannel)	2 pairs ditto	2 prs. ditto.
Standing Berths, with Beds and Pillows	1 for ditto ..	1 for ditto.

Scale of Articles of Clothing and Necessaries for Children proceeding to England.

	For children in health.	For sick children.
Blankets (country)	1 for each child ...	1 for each child.
Suttrungees	1 ditto ...	1 ditto.
Flannel	8½ yds. ditto ...	8½ yds. ditto.
Standing Berths, with Beds and Pillows	1 ditto ...	1 ditto.
Socks (Flannel)	2 pairs ditto ...	2 pairs ditto.

H. W. NORMAN, *Col.*,
Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

No. 194.

ESTABLISHMENT.

Simla, the 29th May 1865.

Notifications.—The undermentioned Officers are transferred from the Central Provinces to Oudh :—

Major F. Tyrrell, Madras Staff Corps, Executive Engineer, 2nd Grade.

Mr. J. H. Wilson, C. E., Executive Engineer, 4th Grade.

No. 195.

Mr. J. M. Span, appointed an Assistant Engineer, 1st Grade, and posted to the Central Provinces in Notification No. 141 of the 12th April 1865, joined his appointment on the 17th May 1865.

No. 196.

Captain J. L. Watts, R. E., who has returned from leave to Europe, is re-appointed to the Public Works Department as an Executive Engineer of the 3rd Grade, and posted as before to the North-Western Provinces.

No. 197.

Mr. W. S. Farley, Supervisor, 1st Grade, Central Provinces, is granted three months' privilege leave, with effect from 1st April 1865.

No. 198.

MILITARY WORKS.

The 30th May 1865.

Notification.—It is notified for general information that a Committee composed of the following Officers, has been appointed at Roorkee to take into consideration and to report on the best methods for cooling and ventilating barracks and other public buildings :—

President :

Major F. R. Maunsell, R. E., Commanding Sappers and Miners.

Members :

Lieutenant-Colonel J. H. Dyas, R. E., Chief Engineer, Irrigation Department, N. W. P.

Captain F. W. Peile, R. E., Superintending Engineer, 1st Circle, N. W. P.

Dr. R. S. O. Thring, Surgeon-Major, Sappers and Miners.

Dr. E. Howard, Senior Surgeon, 1st Battalion, 20th Regiment.

Dr. Murray Thompson, Professor of Experimental Science, Roorkee College.

Mr. A. Campbell, Superintendent, Roorkee Workshops.

The Committee will be prepared to consider any suggestions that may be submitted to it by persons who have suggestions to make.

No. 199.

ESTABLISHMENT.

The 31st May 1865.

Notifications.—Mr. T. H. Williams, Supervisor, 2nd Grade, Oudh, is struck off the strength of the Public Works Establishment, with effect from the 17th March 1865.

Sub-Conductor J. L. Hughes, Supervisor, 2nd Grade, and Mr. J. H. Rivett, Overseer, 1st Grade, are transferred from Oudh to the Punjab Establishment, Public Works.

No. 200.

In continuation of Public Works Department Notification No. 190 of the 25th May 1865, Corporal C. F. Lindsay, Overseer, 1st Grade, Public Works Department, British Burmah, is promoted to Supervisor, 2nd Grade, with effect from the 1st April 1865.

No. 201.

Mr. R. S. Dobbs, Assistant Engineer, 2nd Grade, assumed charge of the Chittledroog Division in Mysore, on the 28th March 1865.

No. 202.

Mr. J. F. Pope, Assistant Engineer, 2nd Grade, Public Works Department, North-Western Provinces, is transferred to British Burmah.

No. 203.

Mr. W. Godfrey is appointed an Accountant, 4th Grade, Public Works Department, and posted to the Central Provinces.

No. 204.

The 1st June 1865.

In supersession of Notification No. 160 of the 6th May, Sergeant W. Scott, Overseer, 1st Grade, Oudh, is granted three months' leave of absence without pay, from 2nd April 1865.

No. 205.

Lieutenant W. J. Carroll, Assistant Engineer, 1st Grade, Public Works Department, Oudh, is appointed temporarily to the charge of the Seetapoor Division, with effect from the 3rd May 1865.

C. H. DICKENS, *Lieut.-Col.*, R. A.
Secy. to the Govt. of India.

ADVERTISEMENTS.

NOTICE.

Tenders are invited for the supply of Saul Beams and Burgahs for the new Government Buildings at Soory. Tenders will be received up to 15th June 1865. For particulars apply to Executive Engineer, Bhaugulpore.

NOTICE.

Tenders are invited for the supply of Doors and Windows for the new Government Buildings at Soory. Tenders will be received up to 30th June 1865. For particulars apply to Executive Engineer, Bhaugulpore.

NOTICE.

The undermentioned four Government Promissory Notes belonging to Baboo Kaddarnath Mitter, having been destroyed by white ants, application is about to be made to the Loan Office for duplicates :—

No. 14440 of 1835-36, and Nos. 10646, 12940, and 29586 of 1842-43 for Rupees 500 each of the Four per cent. Loan.

CALCUTTA, *The 27th May* 1865. } KADDARNATH MITTER.

Extract from the Edinburgh Gazette, 11*th April* 1865.

Claud Hamilton Hamilton (formerly Claud Hamilton Brown) Esq., of Calcutta, having, in compliance with a clause contained in the Last Will and Testament of his uncle Claud Hamilton, Esq., assumed the surname of Hamilton instead of that of Brown, has received the License and Authority of the Lord Lyon King of Arms to bear and use for the name of Hamilton such Ensigns, Armorial, as are particularly described in the Letters Patent issued by the Lyon Depute, under date Edinburgh, 29th March 1865, and is now known and publicly recognized in the Records of the Lyon Court, under the designation aforesaid, of Claud Hamilton Hamilton.

DALMAHOY WOOD AND COWAN,
Writers to Signet.

EDINBURGH, 12, HILL STREET,
The 10*th April* 1865.

PRELIMINARY ANNOUNCEMENT.

IMPORTANT INDIGO FACTORIES FOR SALE.

To be sold by Public Auction on or about the 20th instant (unless previously disposed of by private contract)—

By order of the Mortgagees,

The well-known Indigo Factories called the Allumchund Concern, at Allahabad, with valuable Talook property attached thereto and Koontee crop now in the ground;

also,

The Koorsun Factory, Allahabad, with Koontee crop, both lately the property of N. Flouest, Esq., deceased. Further particulars and conditions of sale will be published, and in the mean while applications to be made to Messrs. W. Moran and Co., Old Mint Mart, Calcutta, and Messrs. Barrow, Sen, and Watson, Old Post Office Street, Calcutta.

The Sarawuk, Jacnee, Hindustan Banking and Trading Company "Limited."

Capital two and a half crores of Rupees in shares of Rs. 100 *each.*

Calls Rs. 10 *per share on allotment.*

NO FURTHER CALLS TO BE MADE FOR 12 MONTHS.

DIRECTORS:

PUNDIT SOW CHUNDER, of Delhi, Banker.

LALLAH CHEERUNJEE LALL, of Delhi, Banker.

LALLAH DOYARAM DOSS SARAWUK CHOWDRY, of Furrucknuggur and Calcutta, Banker and Merchant.

LALLAH MOOLCHUND CHOWDRY, of Furrucknugger, Banker.

LALLAH CHIMUN LOLL, of Jyepore and Agra, Banker.

LALLAH MOHUN LOLL, Deputy Magistrate of Noker, Saharumpore.

LALLAH BARROOMULL, of Saharumpore, Zemindar.

PUNDIT SEETARAM, of Gwalior, Zemindar.

Managing Director and Secretary in Calcutta:
LALLAH DOYARAM DOSS SARAWUK CHOWDRY.

PROSPECTUS.

The objects for which this Company is to be established are the transaction of general Banking, Commission and Agency business, and also of general mercantile and trading business at Calcutta (where the Head Office shall be), with Branch Agencies and Offices at Delhi, Rewarree Bhewanee, Lahore, Umritsur, Mooltan, Rawul Pindee, Peshawur, Jumboo, Cashmere, Agra, Gwalior, Allyghur, Meerut, Saharumpore, Furruckabad, Cawnpore, Lucknow, Benares, Mirzapore, Bombay, Hydrabad, Ahmedabad, Nagpore, Indore, Jeypore, Joudpore, Ajmere, Kurrachee, and Roribhuckar.

Shares available for one-half of the above Capital, the other half having already been taken up. For further particulars and information, application to be made to

DOYARAM DOSS SARAWUK CHOWDRY,
Managing Director and Secretary.

CALCUTTA,
No. 186, OLD CHINA BAZAAR. }

THE *GAZETTE OF INDIA.*

During the absence from Calcutta of the Members of the Government of India, or until further orders, the *Gazette of India* will be published at Simla. All communications, therefore, regarding the *Gazette* should be addressed to that Station.

Printed and Published for the Government of India by J. A. KINGHAM, *at the Government Press, Simla.*

No. 16.

SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, JUNE 3, 1865.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees four annas if sent by Post.*

No Official Orders or Notifications the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

Government of Bombay.

Proceedings connected with the Relief afforded to the poor in Ahmedabad.

Extract from the Proceedings of the Government of Bombay, in the General Department, dated 6th May 1865.

Read the following papers :—

Letter from the Hon'ble Premabhoy, to Secy. to Govt. of Bombay,—dated 7th April 1865.

I request you will be so good as to submit to His Excellency the accompanying proceedings in connection with the relief afforded to the poor people of Ahmedabad, the Governor having directed me to send him a Report on the subject.

Proceedings referred to in the above letter.

A brief account of the proceedings connected with the relief afforded to the poor in Ahmedabad in consequence of the distress caused by apprehensions of famine and the prevailing high prices of grain may, perhaps, be acceptable to His Excellency the Governor of Bombay.

2. There was a great scarcity of rain during the monsoon of 1863-64. The difficulties in which the people found themselves began to assume a wider range, and in December 1863 matters had taken so unfavourable a turn that it became necessary to devise some means to allay, if not to avert, the misery which would have been entailed on the poor. A general meeting of the Municipal Commissioners of the city of Ahmedabad was held on the 14th January 1864 to discuss the subject, when a Special Committee, consisting of the gentlemen whose names are given in the margin, was appointed for the purpose of organizing a Relief Fund, and setting it in working order. It was also proposed by the Municipal Commissioners to contribute to the Fund Rupees 2,000 per mensem till such time as the distress lasted, but this proposal not having met with the approval of the Revenue Commissioner, N. D., was given up.

Mr. J. E. Oliphant, Collector.
Mr. C. H. Cameron, Judge.
Honorable Premabhai Hemabhai.
Rao Bahadoor Muggunbhai Kurrumchund.
Sheth Muyabhai Bremabhai.
Dr. Wyllie.
Azum Kazee Sahib.
Mr. Jugjeewundass, Deputy Collector.
Azum Guzanund Vittul, Foujdar, with power to add to their number.

3. The Special Committee commenced operations at once by issuing a circular inviting the assistance and co-operation of the public. The accompanying Memorandum (A) shows that Rupees 13,714 were collected as donations, and Rupees 768 were obtained as monthly subscriptions. Among the names of the subscribers will be found that of His Highness the Guickwar, who, though pressed by similar circumstances in his own territory, did not forget the claim of the Ahmedabad poor on his bounty. His Highness also had 3,000 Rupees' worth of grain distributed in the city of Ahmedabad among the ordinary beggars.

4. Enquiries were also set on foot to ascertain the extent of distress and the measures of relief adopted before by private charity, so as to enable the Committee to judge what was necessary to be done. This duty was undertaken by some of the members of the Committee, who submitted the information in a general report, of which a copy is annexed (Appendix B). The Committee then resolved to grant relief at the rate of Rupees four to an adult, and of Rupees two to a child.

5. In the Returns of the persons selected as legitimate objects of charity, only such were

admitted as were unable to work, or do any manual labor, as also such as had no income or regular means of livelihood. Every one of them received relief under the immediate supervision of the members of the Committee. The subjoined Table gives the numbers so succoured. They amount to 4,327, while the money given was Rupees 16,250.

Months in which relief was given.	Hindoos.					Mussulmans.			
	Males.	Females.	Children.	Total persons.	Total Rupees.	Males and Females.	Children.	Total persons.	Total Rupees.
1864.									
March and April	89	274	92	455	1,636	387	61	448	1,406
June and July	124	313	108	545	1,964	457	63	520	1,954
September and October ...	141	345	105	591	2,154	527	61	588	2,134
November and December ...	147	359	93	599	2,211	531	50	581	2,291
Distributed through the Hon'ble Premabhai	...	...	...	...	500	...	...	...	...
	501	1,291	398	2,190	8,465	1,902	235	2,137	7,785

6. At the commencement of their operations it was resolved by the Committee to procure a loan of a lakh of Rupees, without interest, for one year, from the principal merchants of the city, to be laid out in importing grain from places where it could be got cheap. This grain they intended to retail at cost price to those persons who, though not within the meaning of the rules laid down by them, were yet greatly pinched from the dearness of provisions. It was supposed that the adoption of such a course would have counteracted the tendency of the grain dealers to raise prices.

7. A sum of Rupees 73,500 was thus got up, and a portion of it already collected. The project was, however, abandoned on second consideration. It may be observed that the object of the Committee was subsequently realized to a certain extent, for the grain dealers on hearing of the Committee's intention to bring in grain for retail sale became alarmed, and prices were thus kept at their proper level.

Names of persons who contributed to the loan.	Rs.
Honorable Premabhai Hemabhai	15,000
Seth Jeyshungbhai Hutysing	10,000
Rao Bahadoor Muggunbhai Kurumchund ...	9,000
Seth Pursotumdass Boolakhidass	5,000
,, Chotabhai Motheechund	2,500
,, Khoosalchund Panachund	2,000
,, Muncherjee Sorabjee	2,000
,, Chotabhai Jumnadass	1,500
,, Vunmalidass Narayendass	2,000
,, Koober Jadowjee	1,500
,, Somnath Narayendass	1,100
,, Vurrujbhookun Herachund	1,000
,, Hurgowundass Juverdass	1,800
,, Veerchund Sobhag...	2,000
,, Tarrachund Sobhag	1,800
,, Ubhechund Panachund	1,200
,, Goolabchund Sobhag	1,000
,, Jeychund Sobhag	1,000
,, Bechurdass Ambaidass	3,000
,, Dulputbhai Bhugoobai	3,100
,, Lalioobhai Panachund	2,000
,, Munsookhbhai Vekutchund	4,000
Total ...	73,500

8. The last monsoon (1864-65) proved still more disastrous. At the beginning of November 1864 there was in hand a balance of Rupees 8,900, while the monthly contributions to the Fund amounted to Rupees 695 only. This was anything but cheering, especially as the distress among the poor was greater than in 1863-64. Further action was, therefore, necessary; additional subscriptions and donations were invited, and it is gratifying to state that the result was very favourable indeed Appendix C shows that the monthly subscriptions have reached the high sum of Rupees 1,667, while the donations made to the Fund amount to Rupees 32,795.

9. An attempt was again made to import grain from Kurrachee and other places, and some of the Native gentlemen, whose names are mentioned in paragraph 6 above, express their willingness to double their contributions towards the Loan Fund. Meanwhile the state of the grain market at Ahmedabad began to improve, and the project was, therefore, not carried out.

10. On the 1st instant the balance in the hands of the Committee amounted to about Rupees 32,000, exclusive of Rupees 5,000 already placed at the disposal of some of the members of the Committee for distribution amongst the poor.

11. In conclusion, the Committee considered that they would not be doing their duty if they omitted to mention the great assistance the people of Ahmedabad are about to receive from the Honorable Rustumjee Jamsetjee Jeejeebhoy, who has, through the Revenue Commissioner, N. D., sent 2,000 bags of Bengal rice to afford the poorer classes the means of purchasing food at accommodating prices, the money so received being spent in further purchases of grain for disposal in the same manner.

12. It may also be added that the principal members of the "Jain" or "Sawuck" caste at Ahmedabad have raised a fund among themselves for the relief of the less favored portion of their own community, who are allowed succour in money under proper supervision.

Upwards of Rupees 11,100. See Appendix D.

APPENDIX A.

Memorandum showing the amount of Subscriptions and Donations raised since January 1864 for the relief of the poor at Ahmedabad.

No.	Names of the Subscribers.	Donations.	Monthly Subscriptions.
		Rs.	Rs.
1	J. E. Oliphant, Esq.	150	50
2	C. H. Cameron, Esq.	150	50
3	Dr. Wyllie	100	25
4	Honorable Premabhai Hemabhai ...	1,000	50
5	Ajum Kaji Mahomed Hussainoodin	100	10
6	Seth Muncherjee Sorabjee	100	10
7	Seth Muyabhai Premabhai... ...	100	10
8	Rao Bahadoor Dajeebhai Soondurlal	20	3
9	Mr. Bejunjee Framjee	15	3
10	Khan Bahadoor Goolam Mohidin ...	25	5
11	Ajum Gujanund Vittul	15	...
12	Ajum Goolam Russool	91	...
13	Ajum Oachuvram Huridass ...	10	2
14	Major Thatcher	35	...
15	W. Wilson, Esq.	100	10
16	Jugjeevundass Kooshaldass, Esq. ...	25	5
17	Seth Jaisingbhai Huthising ...	900	50
18	Captain Coles...	20	...
19	Purikh Purseotumdass Runchoddass	250	25
20	Seth Khoosalchund Panachund ...	250	15
21	Purikh Chotabhai Jumnadass ...	175	15
22	Purikh Veerchund Sobhagchund ...	251	20
23	Purikh Tarachund Sobhagchund ...	225	15
24	Purikh Jeychund Sobhagchund ...	150	10
25	Purkh Goolabchund Sobhagchund	100	10
26	Seth Huthising Kesoresing... ...	700	35
27	Rao Bahadoor Mugunbhai Kurumchund	625	30
28	Purikh Vurujlal Natha	100	10
29	Seth Girdhurlal Bhoodurbhai ..	50	3
30	Seth Kahandass Narundass, of Motichund Rugnath...	250	25
31	Purikh Hurivulubhdass Moochund	100	10
32	Purikh Jethabhai Bhaichund ...	225	15
33	Purikh Hurgovundass Juverdass ...	251	15
34	Purikh Bhugvan Hirachund ...	125	10
35	Purikh Teekumdass Jumnadass ...	50	5
36	Purikh Nurotumdass Goolabchund	50	5
37	Veemavala Himutal Nuthoobhai...	50	...
38	Purikh Jumnadass Hurivulubdass...	50	5
39	Bhogilal Pranvulubdass, Esq. ...	50	7
40	Mr. Runchordilal Chotalal	50	5
41	Purikh Joetadass Sakulchund ...	75	5
42	Purikh Hirchund Devchnnd ...	51	...
43	Purikh Moolchund Jumnadass ...	51	3
44	Purikh Bhaichund Sakulchund ...	51	3
45	Purikh Himutram Kusundhur ...	51	3
46	Purikh Luloo Oomedram	40	2
47	Purikh Ruvchund Juverdass ...	150	10
48	Purikh Jethabhai Luxmichund ...	51	3
49	Rao Bahadoor Thakursee Poojasha	100	5
50	Vimavala Kooberdass Jaduvjee ...	100	10
51	Seth Chundoolal Soorujmul... ...	100	...
52	Ajum Merwanjee Cavusjee	25	...
53	Seth Premchund Raichund	900	50
54	A. H. Spry, Esq.	100	15
55	J. R. Naylor, Esq.	50	...
56	A. C. Trevor, Esq.	50	...
57	Rev. Dr. Moore	50	...
58	A. H. Jordan, Esq.	25	5
59	Seth Bechurbhai Ambaidass ...	500	25
60	Purikh Vulubhram Humichund ...	51	3
61	Seth Hirachund Dulechund ...	41	...
62	Seth Nuggendass Premchund ...	51	...
63	Seth Chotabhae Motichund	151	10
64	Vasoodev Juggunnath, Esq. ...	25	5
65	Dinsha Hormusjee, Esq.	20	...
66	Rao Bahadoor Motichund Govindram	150	10
67	Seth Bhogilal Luloobhai	125	5
68	Datar Hurgovun Girdhurlal ...	101	...
69	Sorabjee Jamsetjee Jeejeebhoy, Esq.	751	...
70	His Highness the Guicowar ...	2,000	...
		13,714	768

APPENDIX B.

Conformably to the Resolution of the 15th ultimo, we beg to submit the following observations :—

In former years grain could be got from 40 to 80 "Kutcha" seers for a Rupee, while this year the same is procurable from 10 to 20 "Kutcha" seers for a Rupee, consequently the poorer classes of people, viz., those who have no income at all, or those who have very limited income, are great sufferers, and use the lowest and cheapest kind of grain for their food, without reference to their habits or health. Maize and gram, which were hardly used by any class of the community in this part of the country as principal articles of food, are now generally substituted by the poor people for wheat, bajree, and rice. Many can hardly satisfy their hunger even by this economical substitution. A man or woman must have at the average 1½ seer of grain for daily food, and a child must have half of that quantity. Now a family consisting of one man, one woman, and four children, must have 4½ "Kutcha" maunds of grain for their monthly subsistence, which must cost not less than Rupees 9, but the income being only Rupees 7, out of which the expenses of smoking, opium, clothing, &c., must also be defrayed, the family is obliged to lessen the quantity of their usual food, or to submit to starvation. We have heard several instances of persons of some respectability having been obliged to go out at night time for begging at the houses of some Shetts, and others bestowed with the means of helping the poor. On the other hand, some of the weavers, &c., occasionally give out false information of theft in order to misappropriate the property, consisting of silk, cotton, &c., entrusted to them by merchants for preparing pieces of clothes, while others commit petty thefts. As far as we can judge, nearly one-fourth of the population of this city, or say about twenty-five thousand souls, must be the sufferers owing to the existing dearness of grain, which has proportionately raised prices of other necessaries and luxurious articles of life.

2. The Mahajans have raised a subscription for the distribution of "Khitchree*" to the lame, blind, and old people or to the majority of the beggars, and though they distribute about 9 maunds of grain daily, yet their boon is hardly appreciated by the beggars, since each of them cannot get sufficient quantity for a day's food. Two shops have been opened by the gentlemen named in the margin where the poorer classes of people have hitherto obtained about two seers more wheat than the market price for one rupee but as many people always assemble there, the complaint of detention, &c., is general. For some time some Borah gentlemen in the Kulloopore street used to sell wheat to the people of his own caste, and Shett Bhechurdass Ambaidass used to sell the same to the people of his street, or Shahapoor, at cheaper rates. These are measures of relief hitherto adopted in this city, but no step whatever appears to have been taken by any body to provide for those who cannot go out of their houses for labor or work, and have no income or means of livelihood.

* Rice and pulse mixed together for food.

1. Shett Muyabhai Pemabhai and Jeysungbhai Huttesing.
2. Shett Rustumjee Jemsetjee.

3. Our present state of fund, as shown in the margin, cannot enable us to send for large quantities of grain from the cheapest mart, to open many shops, and to give proper relief to such a large body of the population as twenty-five thousand souls. We, therefore, recom-

Subscription up to the present date.

Donations ... Rs. 9,192
Monthly ... Rs. 688

mend the immediate adoption of the following measures:—

I. We have already employed a Mahomedan and a Hindoo to prepare returns of such Mahomedans and Hindoos as are really unable to earn livelihood. The Kajee Saheb and Azum Goolam Moheedeen Goolam Russool (the latter is not a member of this Committee, but should be added to our number) be requested to test the correctness of the Returns prepared by Syed Meer Saheb Kajee Meea of the Mahomedan community and Shett Pranabhai Khoosal and Dholsah, the latter is not a member of this Committee, but should be added to our number) be requested to do so in regard to the Returns prepared by Damodur of the Hindoo community. As soon as these Returns are tested, the Committee should grant immediate relief, pecuniary or in kind, according to the circumstances of each, to those whose names appear in the Returns to the extent of the monthly subscriptions for January and February, and of Rupees 1,000 out of donations, and they should be told that before April next they will receive no more relief.

II. Every morning, between 7 and 9 o'clock, ten maunds of grain, viz., bajree or wheat, should be given as alms to the beggars in the Municipal Office in the presence of one of the members of this Committee, or the Secretary, and the scale of distribution should be regulated with reference to the number of beggars. Childern above 5 years and under 10 years old should receive half seer, and adults, male and female, should receive about one seer each. If the member find it inconvenient to go to the Municipal Office, he can have the grain distributed at his own residence, or at any other place convenient to him. The turns of the member should be fixed and notified by the President, but one member can be at liberty to change his turn with the other member, or to arrange with him to superintend the distribution of grain of his turn. The grain required for the above purposes should be purchased in the city, or procured from other places if possible, and the price should be paid out of the donations. Two men, at the rate of Rupees 4 each, should be employed to look after the grain, and to distribute them to the beggars. Should it appear, on trial, that we require more than ten maunds of grain for distribution at the above rates, the quantity may be increased to fifteen maunds.

III. In order to enable us to carry out the above arrangements, all the subscribers to this fund be requested, through our Secretary, to pay to him at once the monthly subscriptions for January and February, and the donations, and the Secretary be authorized to withdraw from time to time such sums as he may require to pay for grain, &c. The Secretary should also be authorized to employ a Karkoon under him at the rate of Rupees 10 a month to keep accounts of the fund, to collect the subscriptions, and to render such other assistance as may be required of him, and to spend a sum not exceeding Rupees 2 per mensem for stationery, &c.

IV. The Secretary should be authorized to pay the following establishment:—

1. Syed Meer Saheb Kzeemeea from the 21st January 1864, at the rate of Rupees 12 per month.
2. Damodur Turbhowun from the 29th January 1864, at the rate of Rupees 10 per month.
3. Two Tolats, at the rate of Rupees 4 each, from the date of their employment.
   1 Karkoon at the rate of Rupees 10 from the date of his employment.

In conclusion, we beg to suggest that the above measures and the list of subscribers be published in the vernacular papers of this city, and the subscription list be as widely circulated as possible by the different members of the Committee. We further beg to propose that when our fund amounts to Rupees 15,000 or upwards, we may take into consideration the question of procuring large supplies of grain and of opening shops for the sale of the same to the poorer classes of people at cheaper rates.

PREMABHAI HEMABHAI.
JUGJEEVUNDASS KHOOSALDASS.
MUNCHERJEE SORABJEE.
OOTCHARAN HURRIDASS, Mamlutdar.
GIRJANUND VITTUL, Fouzdar.

8th February 1864.

APPENDIX C.

Memorandum showing the amount of Subscriptions and Donations raised since November 1864 *for the relief of the poor at Ahmedabad.*

No.	Names of the Subscribers.	Donations.	Monthly Subscriptions.
		Rs.	Rs.
1	Honorable Premabhai Hemabhai ...	5,000	150
2	Seth Jeysingbhai Huthising ...	4,000	100
3	Seth Huthising Kisrising ...	2,700	100
4	Rao Bahadoor Mugunbhai Kurumchund	2,600	100
5	Seth Muyabhaee Premabhai ...	500	50
6	Seth Dulputbhai Bhugoobhai ...	700	50
7	Seth Chotabhai Motichund ...	300	15
8	Seth Khooshalchund Panachund ...	250	15
9	Seth Oomedchund Hukumchund ...	500	20
10	Seth Oomabhai Roopchund ..	450	20
11	Rao Bahadoor Bholanath Sarabhai	100	15
12	Veemavala Kooberdass Jaduvjee ...	150	15
13	Purikh Chotabhai Jumnadass ...	225	20
14	Mr. Muggunlal Vukhutchund ..	100	15
15	Mr. Runchodilal Chotalal ...	100	15
16	Mr. Tyebjee Mohotabhai ...	75	..
17	Seth Maneekchund Motichund ...	200	5
18	Vukeel Gungadass Chubildass ...	25	...
19	Purikh Vurujbhookundass Heerachund	350	20
20	Purikh Dulichund Ontum ...	50	...
21	Rusaldar Husun Khan Bahadoor Khan, by his som Ulif Khan ...	50	5
22	Cursetjee Palunjee, for Hormusjee Nowrojee, the late Mail Contractor	700	...
23	Mr. Cursetjee Palunjee	100	...
24	Mr. Pestonjee Framjee (Jhangir) Pestonjee, &c.)	125	10
25	Mr. Hormusjee Jumsetjee	25	...
26	Seth Praulal Utchrutlal	50	2
27	Seth Ruttunjee Pestonjee	100	2
28	Seth Sapoorjee Sarabjee	40	...
29	Seth Merwanjee Cowasjee	75	5
30	Mr. Gopalbhai Luxminarayen ...	25	...
31	Vukeel Sukharom Veenayek ...	25	...
32	Bhogilal Pranvulubhdass	100	15
33	A. H. Jordan, Esq.	...	5
34	Kikabhai Hurnarayen, Esq. ...	20	5
35	J. E. Oliphant, Esq.	...	100
36	E. P. Down, Esq.	...	100
37	J. King, Esq.	100	20
38	A. H. Spry, Esq.	50	15
39	W. Wyllie, Esq.	...	40
40	T. B. Curtis, Esq.	...	5
41	Beechurdass Ambaidass, Esq. ...	1,000	50
42	Molvee Golam Mohidin	91	...
43	Mirza Najoofalo Khan and Murja Nawab	25	...

44	Monchurjee Sorabjee, Esq. ...	150	15
45	Jugjeevundass Khooshaldass, Esq. ...	...	10
46	D. Costelloe, Esquire	...	20
47	W. H. Pratt, Esquire... ...	50	15
48	W. Wilson, Esquire	...	25
49	Rev. Dunlop Moore	...	20
50	W. Wedderburn, Esquire ...	100	20
51	Rao Bahadoor Dajibhai Soonderlal	...	4
52	Wasoodeo Juggunnath, Esquire ...	...	15
53	Rao Bahadoor Thakursee Poojasha	100	10
54	Mr. Jethalal Heerachund ...	60	...
55	Purikh Veerchund Sobhagchund ...	550	35
56	Purikh Tarachund Sobhagchund ...	400	25
57	Purikh Nurotumdass Goolabchund	500	5
58	Purikh Pursotumdass Runchordass	500	35
59	Mr Motichund Govindram ...	150	10
60	C. T. G. Coles, Esquire ...	...	20
61	Seth Mohonlalbhai Unopchund ...	75	...
62	Purikh Heerilal Petamberdass ...	51	4
63	Purikh Jethabhai Bhaichund ...	400	25
64	Purikh Vunmalidass Narundass ...	250	10
65	Patel Sominath Narundass ...	150	5
66	Desai Kooberbhai Bapoobhai, of Veerumgaum	150	...
67	Purikh Teekumdass Jumnadass ...	100	5
68	Purikh Runchodedass Jumnadass...	100	5
69	Seth Chundoolal Soorujmul ...	100	...
70	Wukeel Herdaram Unoopram ...	25	5
71	Mr. Nurbheram Rugnathdass ...	20	2
72	Mr. Luloo Soorchund	10	...
73	Mr. Muyaram Shumbhoonath ...	15	1
74	Seth Hurjiwundass Pursotumdass...	50	...
75	Shaik Goolam Rusool Wullud Abedbhai	101	...
76	Mia Kasumbhai Sadokbhai ...	25	...
77	Mia Abdool Lutiff Sufree ...	25	...
78	Desai Joravursing Koobersingjee, Talookdar Patdee	200	...
79	Bora Fuzulalee Ismaljee ...	50	...
80	Purikh Bhugwandass Hurrukchund	200	15
81	Seth Munsookhbhai Vukhutchund	1,000	35
82	Seth Premchund Raichund, through J. E. Oliphant	5,000	...
83	Purikh Nuvulchund Thanmul ...	71	3
84	Gadhee Dosa Hemchund ...	20	...
85	Purikh Jethabhai Luxmichund ...	71	3
86	Purikh Joitadass Sankuldass ...	75	5
87	Purikh Vulubhraim Hunchund ...	51	3
88	Purikh Bhaichund Sakulchund ...	71	3
89	Purikh Hurivulubdass Moolchund	151	...
90	Purikh Jechund Sobhagchund ...	150	...
91	Purikh Goolabchund Sobhagchund	100	...
92	Purikh Ubhechund Panachund ...	75	...
93	Purikh Doobevram Venichund ...	51	...
94	Seth Munguldass Ruhidass ...	35	...
95	Purikh Luloobhai Oomedram ...	40	2
96	Purikh Nuvulram Anoopundass ...	101	...
97	Seth Muncherjee Framjee, of Bombay, through the firm of Kurumchund Premchund	100	...
98	Major General Sir C. T. Van Strawbenze	300	...
		32,795	1,067

APPENDIX D.

Memorandum showing the amount of Donations raised for the support of the Jain or Shrawuck caste at Ahmedabad.

No.	Names of Subscribers.		Donations.	Monthly Subscriptions.
			Rs.	Rs.
1	Honorable Premabhai Hemabhai ...		1,501	
2	Seth Khoosalchund Nahalchund ...		1,200	
3	Seth Huttising Kesreesing ...		1,001	
4	Seth Kurumchund Premchund ...		1,100	
5	Seth Oomabhai Roopchund ...		500	
6	Seth Oomedchund Hukumchund ...		500	
7	Veerchund Shobagchund ...		851	
	Seth Veerchund Shobag...	751		
	Seth Chotallal Jeychund...	100		
		851		
8	Seth Tarachund Shobagchund ...		500	
9	Seth Jeychund Shobagchund ...		351	
10	Seth Pitamberdass Nahna ...		301	
11	Seth Kalidass Bhugwandass ...		351	
12	Seth Munguldass Ruhidass ...		300	
13	Seth Khemchund Jeychund ...		200	
14	Maneekchund Motechund ...		350	
15	Seth Lulloobhai Roopchund ...		151	
16	Juveree Jethasha		201	
17	Seth Dolut Tuluckchund ...		51	
18	Seth Lulloobhai Suvchund ...		75	
19	Seth Gordhun Lulloobhai ...		51	
20	Seth Jetha Luxmichund ...		101	
21	Sodagur Kupoorchund Moolchund		71	
22	Seth Oomed Nahalchund ...		35	
23	Tulukchund Hemutram ...		71	
24	Kusulchund Vutchraj		51	
25	Panachund Maneekchund ...		75	
26	Seth Veerchund		75	
27	Motichund Maneekchund in Haja Patell's Street		75	
			10,089	
	From four persons		1,100	
			11,189	

RESOLUTION.—This is very satisfactory, and should be suitably acknowledged, with an expression of the satisfaction of Government.

2. A copy may be sent to the Government of India, for publication in the *Gazette of India*; and to the Secretary of State.

Printed and Published for the Government of India, by O. T. CUTTER, *at the Military Orphan Press.*

No. 23.

The Gazette of India.

Published by Authority.

SIMLA, SATURDAY, JUNE 10, 1865.

HOME DEPARTMENT.

No. 1187.

Simla, the 5th June 1865.

Notifications.—Under the authority conferred upon him by Act XXI. of 1836, the Governor General in Council is pleased to declare, and it is hereby notified for general information, that the present District of Goruckpore has been sub-divided into two Districts, of which the Western will be called Bustee, and the Eastern, Goruckpore.

The District of Bustee will have its head quarters at the town of that name, and will comprize the following Pergunnahs and parts of Pergunnahs, *viz.* :—

1—Munsoornuggur Bustee,
2—Amroha,
3—Ourungabad Nugur,
4—Benaikpore, West,
5—Ruttunpore Bansee,
6—Russoolpoor Ghous,
7—Mhowlie, and
8—Hussunpoor Mughur;

excepting the villages comprised in Tuppehs Ourungabad, Ootur Huveylee, Sutgaon Ghasand, Bhursund, Budesree, Soorus, Puchowree, and Khujuree, which are still retained in the District of Goruckpore.

The remainder of the present Goruckpore District will constitute the new District of that name, the head quarters of which will be at Goruckpore.

No. 1199.

Dr. H. F. McGrath, Civil Assistant Surgeon of Raepore, is invested with the powers of a Magistrate, to be exercised within the precincts of the Jail of that station.

No. 1201.

Moonshee Himmut Ally is invested with the powers of a subordinate Magistrate of the 2nd Class, described in Chapter 2, Section 22 of Act XXV. of 1861, while officiating as Tehsildar of Sahungurhee in the Bhundara District in the Central Provinces.

No. 1203.

Under Acts V. of 1852, and V. of 1865, the Governor General in Council is pleased to appoint the several Deputy Commissioners in the Central Provinces to be Marriage Registrars, within the limits of their respective jurisdictions.

No. 1205.

Sub-Assistant Surgeon Mr. C. E. Pyster, in medical charge of Sandoway, British Burmah, resumed charge of his duties on the forenoon of the 24th March.

No. 1207.

The Revd. John Clough, Chaplain of Tonghoo, has obtained leave of absence to Europe on urgent private affairs, for the period of six months, from the date on which he may avail himself of the same.

No. 1209.

Captain A. H. Millett, District Superintendent of Police, Oomraotee District, is appointed to the 1st Grade of District Superintendents on Rs. 800 per mensem.

No. 1211.

Major Younghusband made over charge of the Office of Inspector General of Police, Hyderabad Assigned Districts, to Captain Millett, on the afternoon of the 5th May 1865.

Consequent on Major Younghusband having made over charge of the Office of Inspector General of Police, Hyderabad Assigned Districts, to Captain Millett, Lieutenant Hamilton, District Superintendent of Police, Maiker District, has been directed to take charge of the Oomraotee District; and Mr. Cumberlege, Assistant Superintendent of Police, to officiate as District Superintendent of the Maiker District.

No. 1332.

The 6th June 1865.

The undermentioned specifications of inventions have been filed, under the provisions of Act XV. of 1859, in the office of the Secretary to the

Government of India in the Home Department; copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open, at all reasonable hours, at the office of the Secretary to the Government of India in the Home Department, at the Presidency, to public inspection, upon payment of a fee of one Rupee. A certified copy of any specification will be given to any person requiring the same, on payment of the expense of copying:—

No. 236.—Captain C. J. Mead, Royal Artillery, Executive Engineer, Sherghotty, for improvement in the manufacture of Indigo.

No. 241.—Major T. Martin, Her Majesty's 4th (The King's Own) Regiment, Poona, for reducing labor in the Bombay and other Reclamation Company Works, and in all other works or purposes to which the invention, which is a self-discharging Barge may be adapted.

No. 242.—Mr. Thomas Sutherland, Merchant of Rangoon in British Burmah, for cleaning and classifying rice and other grain or seeds.

No. 249.—Mr. Giacomo Fellice Marchisio, No. 50, Baker Street, in the County of Middlesex, for an improved apparatus for generating inflammable air for illuminating and heating purposes, and supplying the same to the burners.

No. 1323.

The 8th June 1865.

Assistant Surgeon H. F. McGrath, of the Bombay Medical Establishment, is appointed to the Civil Medical Charge of Raepore in the Central Provinces.

This cancels the Notification in this Department, No. 3603, dated 17th April 1865.

No. 1324.

Assistant Surgeon A. N. E. Riddell, of the Bombay Medical Establishment, is appointed to the Civil Medical Charge of Chanda in the Central Provinces.

No. 1347.

The 9th June 1865.

Mr. T. King, in medical charge of the Dumoh District in the Central Provinces, is placed in charge of the Jail at that station, and is invested with the powers of a Magistrate to be exercised within the precincts of the Jail.

No. 1349.

Third Class Native Doctor Tarra Prosunno Ahcharjee is appointed to the charge of the Charitable Dispensary at Kyouk Phyoo.

No. 1350.

The Governor General in Council is pleased to appoint Lieutenant H. Martin, 26th Regiment, Bombay Native Infantry, to be an Officiating Assistant District Superintendent of Police in the Central Provinces.

E. C. BAYLEY,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

No. 227.

JUDICIAL.

Simla, the 3rd June 1865.

Notification.—His Excellency the Viceroy and Governor General in Council is pleased to extend the provisions of Act XVI. of 1864 to the Province of Coorg.

No. 481.

POLITICAL.

The 6th June 1865.

Notification.—Subject to the confirmation of Her Majesty's Government, His Excellency the Viceroy and Governor General in Council is pleased to recognize Monsr. Henry Roquerbe as Vice Consul for His Majesty the King of Italy, at Calcutta.

No. 1192.

GENERAL.

The 3rd June 1865

Notifications.—The undermentioned Moonserrim and Tehsildars are appointed additional Extra Assistant Commissioners of the 3rd Grade in Oudh:—

1.—Hazaree Mull, Moonserrim, Zillah Hurdui.
2.—Hurree Kishen, 1st Class Tehsildar, Oonao.
3.—Gujraj Sing, 2nd Class Tehsildar, Lucknow.

No. 1194.

Mr. A. Shakespear, Agent to the Governor General at Benares, made over charge of his Office to Mr. G. P. Money on the 19th ultimo.

No. 1195.

Assistant Surgeon M. W. Mott, M. D., in medical charge of the Bhurtpoor Political Agency, availed himself on the 15th of April of the leave granted him in G. O. No. 570, dated 13th March.

No. 1197.

Major J. P. Nixon received charge of the Meywar Political Agency, on the forenoon of the 4th of May, from Lieutenant A. N. Bruce, Assistant Agent to the Governor General for the States of Rajpootana.

No. 1199.

Mr. Ruttonjee Jamasjee, Judicial Extra Assistant Commissioner at Akola in the Hyderabad Assigned Districts, has obtained privilege leave of absence for one month from the 1st ultimo.

No. 1201.

The duties of the Cantonment Magistrate at Morar, including those of the Judge of the Small Cause Court, will be performed, temporarily, by Lieutenant W. B. Barwell, of the 16th Bengal Cavalry, in addition to his own military duties, during such period as Major Wright conducts the current duties of the Gwalior Political Agency.

Lieutenant Barwell is invested with the powers of a Magistrate and Judge of the Small Cause Court, within the limits of the Morar Cantonment, as a temporary arrangement.

No. 1211.

The 6th June 1865.

With reference to Notification No. 940, dated 4th May, the services of Lieutenant J. Ketchen, of the General List, Bombay Infantry, are replaced at the disposal of the Military Department at his own request.

No. 1215.

Lieutenant J. Ducat, Assistant Settlement Officer, Raepore, in the Central Provinces, has obtained thirty days' preparatory leave of absence from the 15th ultimo, to proceed to Bombay, for the purpose of obtaining leave to England on medical certificate.

No. 1277.

Lieutenant J. A. Temple, Assistant Commissioner, Saugor, in the Central Provinces, is appointed to conduct the current duties of the Deputy Commissioner's Office, *vice* Captain C. V. Gordon.

No. 1219.

The preparatory leave for twenty-eight days, granted in G. O. No. 432, dated 22nd February, to Lieutenant W. E. Forbes, Assistant Settlement Officer in Oudh, is extended to twenty-nine days.

No. 1239.

The services of Lieutenant M. J. J. Mignon, Adjutant, 2nd Regiment, Central India Horse, are placed at the disposal of the Punjab Government.

A. Colvin,

Offg. Under-Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

No. 647.

Simla, the 6th June 1865.

Notification.—Mr. G. Hough made over, and Mr. H. A. Mangles received, charge of the office of the Accountant General, British Burmah, on the forenoon of the 22nd ultimo.

By Order of the Governor General in Council,

John Strachey,

Offg. Secy. to the Govt. of India.

No. 721.

The 9th June 1865.

Notification.—Mr. E. H. Lushington resumed his duties as Secretary to the Government of India, Financial Department, on the forenoon of this day.

By Order of the Governor General in Council,

R. H. Hollingberry,

Asst. Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 6th June 1865.

No. 557 *of* 1865.—The following promotions are made in the undermentioned Corps of the Native Army :—

Corps.	Rank and Names.	To what rank promoted.	From what date.	In whose room.
3rd Regiment, N. I.	Havildar Feroze Khan	Jemadar...	8th March 1865	Tacoor Dooby, invalided.
	Havildar Kiddernath Pattuck	Jemadar...	8th March 1865	Byjnath Tewarry, invalided.
8th Regiment, N. I.	Subadar Sohunlall Tewarry	Subadar Major.	1st May 1865	Guness Tewarry, invalided.

No. 558 *of* 1865.—The services of Lieutenant J. H. C. G. Lassalle, General List, Infantry, Quarter Master, 5th Regiment, Native Infantry, are placed at the disposal of the Government, North-Western Provinces.

No. 559 *of* 1865.—His Excellency the Governor General in Council is pleased to make the following appointment:—

PUNJAB IRREGULAR FORCE.

4th Sikh Infantry.

Lieutenant A. Scott, General List, Infantry, 30th (Punjab) Regiment, Native Infantry, to be Doing-duty Officer and Officiating Quarter Master.

No. 560 *of* 1865.—The following extract from the *London Gazette* of the 11th April 1865, is published for general information:—

WAR OFFICE;

Pall Mall, the 11*th April* 1865.

Unattached.

The undermentioned Ensigns on the Unattached List of the Bengal Army, to be Lieutenants:—

John Bray, dated 11th April 1865.

Thomas Doyle, dated 11th April 1865.

John McNally, dated 11th April 1865.

Thomas Kinahan, dated 11th April 1865.

James Milrick, dated 11th April 1865.

Thomas Hardy, dated 11th April 1865.

J. P. Stevens, dated 11th April 1865.

The undermentioned Ensigns on the Unattached List of the Madras Army, to be Lieutenants:—

James McKay Macdonald, dated 11th April 1865.

James Kelly, dated 11th April 1865.

The undermentioned Ensign on the Unattached List of the Bombay Army, to be Lieutenant:—

Patrick Murray, dated 11th April 1865.

No. 561 *of* 1865.—The following extract from the *London Gazette* of the 11th April 1865, is published for general information:—

WAR OFFICE;

Pall Mall, the 11*th April* 1865.

Brevet.

Second Captain Joseph Bonus, Royal (late Bombay) Engineers, to be Major, dated 11th April 1865.

No. 562 *of* 1865.—The following promotion and alteration of rank is made in the Medical Department, subject to Her Majesty's approval:—

PROMOTION.

Corps or Dept.	Rank and Name.	To what rank promoted.	From what date.	In whose room.
Medical Dept. ...	Assistant Surgeon Robert Faure Hutchinson, M. D.	Surgeon ...	2nd April 1865	Deputy Inspector General of Hospitals R. B. Kinsey, F. R. C. S., deceased.

ALTERATION OF RANK.

Corps or Dept.	Rank and Name.	To rank from.	In whose room.
Medical Dept. ...	Surgeon George Barnard	28th Jan. 1865	Surgeon Major A. C. Macrae, M. D., retired.

No. 563 *of* 1865.—The undermentioned Officers have reported their departure on the dates specified opposite to their respective names:—

Captain S. Boulderson, of the late 5th European Light Cavalry, on leave to Europe on urgent private affairs for six months without pay, G. G. O. No. 315 of the 24th March 1865.

Major D. Briggs, of the Bengal Staff Corps, Superintendent of Works, Assam Circle, on leave for twenty months, G. G. O. No. 458 of the 8th May 1865.

} *Bengal,* 10th May 1865.

Major G. N. Cave, of the Bengal Staff Corps, Commandant, 24th (Punjab) Regiment, Native Infantry, on leave for twenty months, G. G. O. No. 470 of the 10th May 1865.

Captain A. F. Corbett, of the Bengal Staff Corps, District Superintendent of Police, 3rd Grade, Budaon District, on leave for twenty months, G. G. O. No. 476 of the 11th May 1865.

} *Bengal,* 10th May 1865.

Major H. N. Hodgson, of the Bengal Staff Corps, 2nd in Command and Wing Officer, 38th Regiment, Native Infantry, on leave for twenty months, G. G. O. No. 462 of the 8th May 1865. Lieutenant J. Low, of the late 5th European Light Cavalry, Assistant Commissioner, Oudh, on leave for twenty months, G. G. O. No. 445 of the 1st May 1865. Lieutenant R. D. Osborn, of the Bengal Staff Corps, Adjutant, 12th Bengal Cavalry, on leave to Europe on urgent private affairs for six months without pay, G. G. O. No. 477 of the 11th May 1865. Captain G. C. Rowcroft, of the Bengal Staff Corps, Wing Officer, 35th (the Mynpoorie) Regiment, Native Infantry, on leave for twenty months, G. G. O. No. 467 of the 10th May 1865. Surgeon E. C. Thorp, M. D., of the Medical Department, in medical charge of 43rd (Assam) Regiment, Native Infantry, on leave for twenty months, G. G. O. No. 469 of the 10th May 1865. Lieutenant A. C. Toker, of the Bengal Staff Corps, Doing-duty Officer, 18th Regiment, Native Infantry, on leave for fifteen months, G. G. O. No. 438 of the 1st May 1865. Lieutenant E. A. Trevor, of the Royal Engineers, Deputy Controller and Examiner, Public Works Accounts, 3rd Class, Punjab, on leave for twenty months, G. G. O. No. 475 of the 11th May 1865.	*Bengal*, 10th May 1865.
Major H. M. Garstin, of the Bengal Staff Corps, Commandant of the 42nd (Assam) Regiment, Light Infantry, on leave for twenty months, G. G. O. No. 356 of the 4th April 1865. Lieutenant C. Key, of the General List, Infantry, on leave for twenty months, G. G. O. No. 275 of the 16th March 1865.	*Marlborough*, 9th April 1865.

No. 564 *of* 1865.—The undermentioned Officer is permitted to proceed to Europe, on leave of absence, on sick certificate:—

Captain Charles Vincent Gordon, of the Madras Staff Corps, Assistant Commissioner, Central Provinces	For twenty months.

No. 565 *of* 1865.—The undermentioned Officer is permitted to proceed to Europe, on leave of absence, on sick certificate:—

Lieutenant Edmund Pipon Ommanney, of the late 45th Regiment, Native Infantry, Quarter Master, 44th (Sylhet) Regiment of Native Infantry.	For twenty months, under the new Regulations.

The 7th June 1865.

No. 566 *of* 1865.—As a temporary measure, His Excellency the Governor General in Council is pleased to direct that in cases of transfers or volunteers from one corps to another, where the uniform of the corps differ in such a manner that the clothing brought with the transfers and volunteers cannot be altered to correspond with that of their new corps, and when there may be no part-worn clothing in store with the latter, to exchange with that brought with the transfers and volunteers, new clothing will be issued to them under the following regulations:—

If similar articles of clothing in wear with the corps have three months and more to last, when issued annually, six, when issued biennially the new clothing required will be provided, and will be renewed at the next regular issue; but if similar articles in use with the corps have less than the periods mentioned to last, the new clothing required will be provided in advance of the next regular issue, and is to be worn until the end of the period for which it would have served, had it not been issued until the regular time of delivery.

Transfers and volunteers to corps where the clothing of the former regiment cannot be made available, will be allowed to take with them, as their own property, one pair of cloth trowsers or trews, and one pair of boots or shoes; the remainder of the clothing taken with them, and which cannot be altered, being sold for the benefit of the State, when the new clothing is issued.

No. 567 *of* 1865.—Under instructions received from the Right Hon'ble the Secretary of State for India, His Excellency the Governor General in Council is pleased to sanction the issue of ten Rupees to any soldier taking his discharge in India, otherwise than by purchase; this amount being the equivalent of the allowance of one shilling a day for twenty days, granted to soldiers discharged at Home, under the Royal Warrant of 1st July 1848.

2. Any soldier so taking his discharge and permitted to reside at any place, other than that of his discharge, will, in addition to the above-mentioned amount, be granted, when not supplied with a free passage for himself and family, a travelling allowance to his elected place of residence, at the rate of one anna per mile for himself and his wife, and eight pie for each child accompanying him.

3. This allowance is never to be drawn in advance.

No. 568 *of* 1865.—The following promotions and alterations of rank are made, subject to Her Majesty's approval :—

PROMOTIONS.

Corps.	Rank and Names.	To what rank promoted	From what date.	In whose room.
Infantry ...	Major (Lieut.-Col. in the Staff Corps) Edward Tuite Dalton (from Cadre of late 3rd European Regt.)	Lieut.-Col...	28th Mar. 1865	Lieut.-Colonel (Brevet Colonel) J. E. Landers, Bengal Infantry, promoted.
Cadre of late 3rd Eur. Regt.	Captain (Brevet Major) Edwin Thomas,	Major ...		
	Lieut. (Brevet Major) Samuel Dewe White	Captain ...		
Cadre of late 9th N. I.	Lieut. (Captain in the Staff Corps) Henry Coape Smith	Captain ...	19th Jany. 1865	Captain A. Crawford, late 9th Native Infantry, retired.
Bengal Infantry	Major Folliott Walker Baugh, from Cadre of late 26th N. I.	Lieut.-Col...	28th Mar. 1865	Lieut.-Col. E. T. Dalton, Staff Corps, removed from the list of regimental Lieutenant-Colonels.
Cadre of late 26th N. I.	Captain (Major in the Staff Corps) John Matthew Cripps,	Major ...		
	Lieut. (Captain in the Staff Corps) John Palmer Turton	Captain ...		
Cadre of late 38th N. I.	Lieut. William Lyttleton Powys Drummond (Staff Corps)	Captain ...	24th Jany. 1865	Captain J. B. Dennys, Staff Corps, promoted in Cadre of late 38th Native Infantry.
Cadre of late 48th N. I.	Captain (Brevet Colonel) William Templer Hughes (Staff Corps),	Major ...	8th Mar. 1865	Major P. R. Hockin, Staff Corps, deceased.
	Lieut. (Captain in the Staff Corps) Charles William Fletcher	Captain ...		

ALTERATIONS OF RANK.

Corps.	Rank and Names.	To rank from.	In whose room.
Cadre of late 38th N. I.	Captain M. M. Procter (Staff Corps) ...	21st Nov. 1864 ...	Captain H. F. Bamford, retired.
Bengal Infantry ...	Lieut.-Col. R. Renny (Staff Corps), from Cadre of late 47th Native Infantry,	24th Jany. 1865 ...	Lieut.-Col. R. J. Edgell, Bengal Infantry, retired.
Cadre of late 47th N. I.	Major (Lieut.-Col. in the Staff Corps) R. Campbell,		
	Captain W. Gordon		
Bengal Infantry ...	Lieut.-Col. H. R. Shelton (from Cadre of late 38th Native Infantry),	24th Jany. 1865 ...	Lieut.-Colonel R. Renny (Staff Corps), removed from the list of regimental Lieut.-Colonels.
Cadre of late 38th N. I.	Major J. B. Dennys (Staff Corps)		
Bengal Infantry ...	Lieut.-Col. (Staff Corps) C. F. M. Mundy (from Cadre of late 34th Native Infantry),	12th March 1865 ..	Lieut.-Col. J. L. Walker, Bengal Infantry, deceased.
Cadre of late 34th N. I.	Major (Brevet Lieut.-Col.) P. H. K. Dewaal,		
	Captain (Brevet Major) F. H. Hanmer ...		
Bengal Infantry ...	Lieut.-Col. (Staff Corps) H. Nicoll, from Cadre of late 50th Native Infantry,	12th March 1865 ...	Lieut.-Col. C. F. M. Mundy, Staff Corps, removed from the list of regimental Lieut.-Colonels.
Cadre of late 50th N. I.	Major (Lieut.-Col. in the Staff Corps) A. C. Plowden,		
	Captain H. V. Mathias (Staff Corps) ...		
Bengal Infantry ...	Lieut.-Col. D. S. Dodgson (from Cadre of late 30th Native Infantry),	12th March 1865 ...	Lieut.-Col. H. Nicoll, Staff Corps, removed from the list of regimental Lieut.-Colonels.
Cadre of late 30th N. I.	Major W. D. Bishop,...		
	Captain H. S. V. Fisher (Staff Corps) ...		
Cadre of late 9th N. I.	Captain A. McKenzie (Staff Corps) ...	25th Jany. 1863 ...	Captain H. R. Corfield, deceased.
	Captain H. T. Oldfield (Staff Corps) ...	30th June 1864 ...	Captain H. Campbell (Staff Corps), retired.

Memorandum.—The promotion of Lieutenant (Brevet Captain) H. J. Allen, Cadre of late 9th Native Infantry, announced in G. G. O. No. 139 of 1863, is hereby cancelled—that Officer having retired from 24th September 1862.

No. 569 *of* 1865.—The undermentioned Non-Commissioned Officer of Her Majesty's service is permitted to reside and draw his pay in India as an Out-pensioner of Chelsea Hospital, in accordance with the Royal Warrant of the 23rd July 1864, pending a reference to the Home Authorities as to the amount of his pension :—

Sergeant John Armstrong, of Her Majesty's 104th Foot.

No. 570 *of* 1865.—Captain Alexander C. Bruce, of the 91st (Argyllshire) Highlanders, Deputy Assistant Quarter Master General, Presidency Division, is permitted to proceed to the Neilgherry Hills on medical certificate, and to be absent from Bengal on that account for five months.

The 8th June 1865.

No. 571 *of* 1865.—The services of Lieutenant W. G. Ward, 36th Regiment, Madras Native Infantry, are placed at the disposal of the Foreign Department.

No. 572 *of* 1865.—His Excellency the Governor General in Council is pleased to admit the undermentioned men to the 3rd Class of the "Order of Merit," for their conspicuous gallantry in the field, as specified below :—

7th Company, Sappers and Miners.

Sepoy Dyal Singh ...	At the re-capture of Dewangiri, on the 2nd April 1865.

12th (The Kelat-i-Ghilzie) Regiment, Native Infantry.

Sepoy Ramsahoy Opudhia, 3rd Company, ... Sepoy Khurruck Sing, 4th Company, ... Sepoy Akhmut Khan, 2nd Company, ...	On the occasion of the assault of the principal stockade at Dewangiri, on the 2nd April 1865.

No. 573 *of* 1865.—The undermentioned Officer has reported his return from England :—

	Date of arrival at Fort William.
Lieutenant J. R. Pearson, of the Bengal Staff Corps, Adjutant, Lahore Light Horse.	29th May 1865.

No. 574 *of* 1865.—The undermentioned Officers having completed twenty years' service, six years of which were on permanent staff employ, to be Majors, from the dates specified opposite to their respective names, under the Royal Warrant of the 16th January 1861, subject to Her Majesty's approval :—

Bengal Staff Corps.

Captain (Brevet Major) J. G. Sparke, 1st June 1865.

Captain (Brevet Major) J. T. Norgate, 1st June 1865.

No. 575 *of* 1865.—The services of Lieutenant-Colonel E. A. Rowlatt, of the Bengal Staff Corps, are placed at the disposal of the Government of the North-Western Provinces.

The 9th June 1865.

No. 576 *of* 1865.—The undermentioned Officer is permitted to proceed to Europe on urgent private affairs :—

Lieutenant Aylmer Vivian, of the Bengal Staff Corps, 2nd in Command and Squadron Officer, 3rd Punjab Cavalry.	For six months, without pay.

No. 577 *of* 1865.—The following orders issued by the Resident at Hyderabad, are confirmed :—

No. 71, *dated* 11*th May* 1865.—Granting thirty days' leave of absence, from date of departure, to Brigadier-General H. B. Lumsden, C. B., Commanding the Hyderabad Contingent, to proceed to Bombay for the purpose of appearing before a Medical Board, with a view to obtain a final medical certificate to Europe.

Appointing Lieutenant-Colonel H. D. Abbott, C. B., Commanding 4th Cavalry, Hyderabad Contingent, to officiate as Commandant of the Hyderabad Contingent, during the absence of Brigadier-General H. B. Lumsden, C. B.; and Major H. C. Dowker, 2nd in Command, 4th Cavalry, Hyderabad Contingent, to officiate as Commandant of the Corps, during the time Lieutenant-Colonel H. D. Abbott, C. B., may command the Hyderabad Contingent.

No. 72, *dated* 11*th May* 1865.—Confirming the Regimental Order issued by the Officer Commanding the 1st Cavalry, Hyderabad Contingent, directing Lieutenant J. G. D. Walker, paid Doing-duty Officer, to officiate as Adjutant of the Corps, from the 8th March 1865,—the date from which the services of Lieutenant W. Tweedie were made available for civil duty, as notified in General Order by the Resident, No. 44 of 1865.

No. 578 *of* 1865.—His Excellency the Governor General in Council is pleased to make the following appointments :—

HYDERABAD CONTINGENT.

4th Cavalry.

Lieutenant F. J. Innes, Bombay Staff Corps, Adjutant, to officiate as 2nd in Command, during the period Major Dowker may officiate as Commandant, or until further orders.

Lieutenant H. C. Onslow, 35th Madras Native Infantry, paid Doing-duty Officer, to officiate as Adjutant in the room of Lieutenant Innes.

Lieutenant T. C. Briggs, General List, Madras Infantry, to officiate as paid Doing-duty Officer in the room of Lieutenant Onslow.

No. 579 *of* 1865.—The services of Lieutenant J. B. Taylor, of the 9th Regiment, Madras Native Infantry, are placed at the disposal of the Home Department.

No. 580 *of* 1865.—The following order issued by the Government of Bombay, is confirmed :—

No. 295, *dated* 23*rd May* 1865. Granting leave of absence on medical certificate to Europe to Brigadier-General H. B. Lumsden, C. B., Bengal Staff Corps, Commanding Hyderabad Contingent.	For twenty months, from the 24th May 1865, the date of embarkation at Bombay.

H. W. NORMAN, *Col.*,
Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

No. 206.

ESTABLISHMENT.

Simla, the 3*rd June* 1865.

Notifications.—Mr. R. C. McKennie, Assistant Engineer, 2nd Grade, Public Works Department, Mysore, is allowed two months' leave of absence on private affairs, with effect from the 1st May 1865.

No. 207.

The 5*th June* 1865.

Mr. Michael Quirk is appointed a temporary Overseer, 1st Grade, and is posted to Port Blair for special duty, from the 1st August 1864.

No. 208.

Six months' leave of absence on medical certificate is granted to Captain A. S. Griffiths, Bombay Staff Corps, Assistant Engineer, Nusseerabad Division, with effect from the 27th March 1865.

No. 209.

Captain D. J. P. Campbell, Executive Engineer, 4th Grade, Public Works Department, Mysore, is granted leave of absence on medical certificate, from the 21st March to the 15th May 1865.

No. 210.

Mr. B. Lacey, Accountant, 3rd Grade, Public Works Department, Mysore, is allowed one month's privilege leave, with effect from the 12th May 1865.

No. 211.

Mr. R. F. Chisholm, Executive Engineer, 4th Grade, is transferred from Bengal to the Madras Presidency, from such date as he may be relieved of his present charge.

No. 212.

The services of Captain F. T. Pollock, Executive Engineer, 4th Grade, Cocos Light Houses Division, British Burmah, are replaced at the disposal of the Military Department of the Madras Government, from the date on which he may be relieved from his present duties.

No. 213.

The 7*th June* 1865.

Lieutenant W. J. Engledue, R. E., Assistant Engineer, 2nd Grade, Public Works Department, Oudh, is posted to the Lucknow Division.

No. 214.

The 8*th June* 1865.

In continuation of Public Works Department Notification No. 123, dated 30th March 1865, it is hereby notified that Major Brownlow, R. E., entered on his duties as Superintending Engineer, 2nd Class, Irrigation Department, North-Western Provinces, on the 24th March 1865.

No. 215.

The 9*th June* 1865.

Mr. F. J. Williams, Assistant Engineer, 1st Grade, Public Works Department, Central Provinces, is allowed two months' leave of absence from such date as his services can be spared.

No. 216.

Leave of absence for twenty months on medical certificate, is granted to Mr. E. B. Medley, Assistant Engineer, 1st Grade, Rajpootana Circle, from such date as he may avail himself of it.

No. 217.

Sergeant C. Lyons, Overseer, 1st Grade, transferred from the North-Western Provinces to the Rajpootana Circle in Public Works Department Notification No. 119 of the 29th March 1865, is posted to the Mhow Division.

C. H. DICKENS, *Lieut.-Col.*, R. A.
Secy. to the Govt. of India.

No. 9.

REVENUE—FORESTS.

The 2*nd June* 1865.

Notification.—The services of Lieutenant G. C. Sartorious, Assistant Conservator of Forests, Central Provinces, are placed temporarily at the disposal of the Foreign Department. The cancels the portion of Notification No. 8, dated the 17th May 1865, referring to Lieutenant Noverre.

E. C. S. WILLIAMS, *Captain*, R. E.
Under-Secy. to Govt. of India.

ADVERTISEMENTS.

POSTAL NOTICE.

The following reduction has been made in the selling price of the undermentioned description of Postage Stamps :—

A packet of 16 one-anna Envelopes, from 1 Rupee 2 Annas, to 1 Rupee 1 Anna.

A packet of 16 half-anna Note Paper, from 12 Annas, to 10 Annas.

H. B. RIDDELL,
Director General of the Post Office of India.

SIMLA,
The 6*th June* 1865.

Statement of Government Promissory Notes enfaced for payment of Interest in London, shewing the total amount outstanding according to the Registers received in this office, up to 20th May 1865.

	4 PER CENT.		4 per cent.	4 per cent.	4 per cent.	4 per cent.	4 per cent.	5 per cent., Public Works,	5 per cent.	5½ per cent.	3½ per cent.	4½ per cent.	TOTAL
	Transfer Loan of 1865.	Transfer of 1824-25.	of 1828-29.	of 1832-33.	of 1835-36.	of 1842-43.	of 1854-55.	of 1854-55.	of 1856-57.	of 1859-60.	of 1853-54.	of 1856-57.	RUPEES.
Amount brought forward from Statement dated 12th May 1865	16,900	53,000	300	25,44,600	23,67,600	99,81,600	69,49,400	33,55,800	4,91,56,500	2,54,78,300	17,600	16,000	9,99,37,600
ADD—													
Amount enfaced at Madras, as per Registers received up to date	... ...	... ...	... ...	50,000	2,000	34,900	49,000	2,000	1,29,700	1,81,500	... ...	... ...	4,49,100
Amount enfaced at Bombay, as per ditto ditto ditto	... ...	... ...	... ...	12,500	... ...	... ...	37,000	... ...	92,500	1,58,700	... ...	... ...	3,00,700
Amount enfaced at Calcutta up to date	66,900	... ...	... ...	... ...	... ...	32,500	... ...	500	51,000	2,47,500	... ...	... ...	3,98,400
Total ...	83,800	53,000	300	26,07,100	23,69,600	1,00,49,000	70,35,400	33,58,300	4,94,29,700	2,60,66,000	17,600	16,000	10,10,85,800
DEDUCT—													
Amount removed from the London Books, as per Registers received up to date	... ...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	4,000	1,00,000	... ...	... ...	1,04,000
Total ...	83,800	53,000	300	26,07,100	23,69,600	1,00,49,000	70,35,400	33,58,300	4,94,25,700	2,59,66,000	17,600	16,000	10,09,81,800

FORT WILLIAM,
LOAN OFFICE;
The 29th May 1865.

R. P. HARRISON,
Acctt. Genl. to the Govt. of India.

NOTICE.

Letters intended for this office having frequently been sent to Hyderabad in Scinde, owing to the insufficiency of the direction, it is requested that all Officers having correspondence with the undersigned, will be so good as to address the covers—

To THE ACCOUNTANT GENERAL,
Hyderabad,
BOLARUM.

BOLARUM, *The 30th May* 1865. } E. SIMPSON BYRNE, *Acctt. Genl., Hyderabad.*

NOTICE.

Tenders are invited for the supply of Saul Beams and Burgahs for the new Government Buildings at Soory. Tenders will be received up to 15th June 1865. For particulars apply to Executive Engineer, Bhaugulpore.

NOTICE.

Tenders are invited for the supply of Doors and Windows for the new Government Buildings at Soory. Tenders will be received up to 30th June 1865. For particulars apply to Executive Engineer, Bhaugulpore.

NOTICE.

The undermentioned four Government Promissory Notes belonging to Baboo Kaddarnath Mitter, having been destroyed by white ants, application is about to be made to the Loan Office for duplicates :—

No. 14440 of 1835-36, and Nos. 10646, 12940, and 29586 of 1842-43 for Rupees 500 each of the Four per cent. Loan.

CALCUTTA, *The 27th May* 1865. } KADDARNATH MITTER.

Extract from the Edinburgh Gazette, 11*th April* 1865.

Claud Hamilton Hamilton (formerly Claud Hamilton Brown) Esq., of Calcutta, having, in compliance with a clause contained in the Last Will and Testament of his uncle Claud Hamilton, Esq., assumed the surname of Hamilton instead of that of Brown, has received the License and Authority of the Lord Lyon King of Arms to bear and use for the name of Hamilton such Ensigns, Armorial, as are particularly described in the Letters Patent issued by the Lyon Depute, under date Edinburgh, 29th March 1865, and is now known and publicly recognized in the Records of the Lyon Court, under the designation aforesaid, of Claud Hamilton Hamilton.

DALMAHOY WOOD AND COWAN,
Writers to Signet.

EDINBURGH, 12, HILL STREET,
The 10th April 1865.

The Sarawuk, Jacnee, Hindustan Banking and Trading Company "Limited."

Capital two and a half crores of Rupees in shares of Rs. 100 *each.*

Calls Rs. 10 *per share on allotment.*

NO FURTHER CALLS TO BE MADE FOR 12 MONTHS.

DIRECTORS:

PUNDIT SOW CHUNDER, of Delhi, Banker.
LALLAH CHEERUNJEE LALL, of Delhi, Banker.
LALLAH DOYARAM DOSS SARAWUK CHOWDRY, of Furrucknuggur and Calcutta, Banker and Merchant.
LALLAH MOOLCHUND CHOWDRY, of Furrucknugger, Banker.
LALLAH CHIMUN LOLL, of Jyepore and Agra, Banker.
LALLAH MOHUN LOLL, Deputy Magistrate of Noker, Saharumpore.
LALLAH BARROOMULL, of Saharumpore, Zemindar.
PUNDIT SEETARAM, of Gwalior, Zemindar.

Managing Director and Secretary in Calcutta:
LALLAH DOYARAM DOSS SARAWUK CHOWDRY.

PROSPECTUS.

The objects for which this Company is to be established are the transaction of general Banking, Commission and Agency business, and also of general mercantile and trading business at Calcutta (where the Head Office shall be), with Branch Agencies and Offices at Delhi, Rewarree Bhewanee, Lahore, Umritsur, Mooltan, Rawul Pindee, Peshawur, Jumboo, Cashmere, Agra, Gwalior, Allyghur, Meerut, Saharumpore, Furruckabad, Cawnpore, Lucknow, Benares, Mirzapore, Bombay, Hydrabad, Ahmedabad, Nagpore, Indore, Jeypore, Joudpore, Ajmere, Kurrachee, and Roribhuckar.

Shares available for one-half of the above Capital, the other half having already been taken up. For further particulars and information, application to be made to

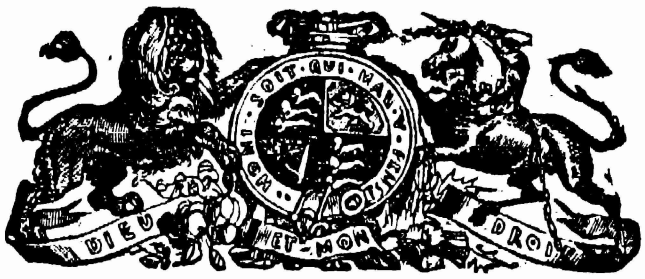
DOYARAM DOSS SARAWUK CHOWDRY,
Managing Director and Secretary.

CALCUTTA, No. 186, OLD CHINA BAZAAR.

THE *GAZETTE OF INDIA.*

During the absence from Calcutta of the Members of the Government of India, or until further orders, the *Gazette of India* will be published at Simla. All communications, therefore, regarding the *Gazette* should be addressed to that Station.

No. 17.



SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, JUNE 10, 1865.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees four annas if sent by Post.*

No Official Orders or Notifications the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

Government of

PUBLIC WORKS

BUDGET-ESTIMATE FOR

GENERAL ABSTRACT OF ESTIMATED EXPENDITURE FOR PUBLIC WORKS

Local Governments and Administrations.	Military.		Civil Buildings.		Agricultural.		Communications.	
	Original Works.	Repairs.	Original Works.	Repairs.	Original Works.	Repairs.	Original Works.	Repairs.
	£	£	£	£	£	£	£	£
Madras	73,318	13,285	46,072	13,598	25,982	100,000	44,772	120,062
Bombay	407,320	37,680	231,527	31,020	76,380	44,067	159,132	37,676
Bengal	77,500	37,500	158,500	50,000	49,000	26,000	125,200	73,000
N. W. Provinces ...	210,811	49,189	85,484	15,385	66,354	44,400	97,177	70,513
Punjab	188,575	31,425	40,024	9,182	36,517	31,655	55,901	65,188
Oudh	56,870	9,148	33,000	2,933	...	...	39,868	15,245
Central Provinces ...	61,500	8,500	48,000	2,300	...	..	101,500	13,000
British Burmah ...	62,000	8,000	73,000	4,500	4,000	1,200	30,000	8,260
Hyderabad	53,740	5,580	14,849	480	...	...	23,613	1,940
Straits Settlements ...	4,900	2,510	7,500	1,849	1,500	350	2,837	1,550
Rajpootana	25,383	6,117	7,128	610	...	...	8,890	473
Central India ...	28,686	2,314	2,911	786	...	...	21,970	7,179
Coorg	...	...	150	100	...	...	5,715	1,685
Unappropriated Grant ...	23,397	...	...	...	...	...	8,100	...
	1,274,000	211,248	748,145	132,743	259,733	247,672	724,675	415,771
	1,485,248		880,888		507,405		1,140,446	
							2,051,044	

* Note.—The grant of £52,500 entered in the Budget-Estimate for 1864-65 as the assignment for minor administrations is
£ 258 is included with the grant for the North-Western Provinces, being the assignment for Ajmere, now placed
£ 22,800 is included with the grant for British Burmah, being the assignment for Port Blair, now placed
£ 11,367 is entered as the grant to Rajpootana.
£ 12,675 " " " Central India.
£ 6,000 " " " Coorg.
52,500

India.

DEPARTMENT.

PUBLIC WORKS IN INDIA, 1865-66.

IN INDIA FOR THE YEAR FROM 1st MAY 1565 TO 30th APRIL 1866.

Miscellaneous Public Improvement.		Total.		Establishments.	Tools and Plant.	Railways not Guaranteed.	Guaranteed Irrigation Works.	Total Ordinary P. W. Grant.	State Outlay on Guaranteed Railways.	Total Imperial Estimate.	
Original Works.	Repairs.	Original Works.	Repairs.							1865-66.	1864-65.
£	£	£	£	£	£	£	£	£	£	£	£
5,159	3,055	195,303	250,000	156,300	15,000	...	15,000	631,603	15,652	647,255	725,895
350,550	1,596	1,224,909	152,039	163,755	19,297	...	...	1,560,000	121,900	1,681,900	1,270,330
500	1,000	410,700	187,500	125,000	6,800	...	...	730,000	24,800	754,800	622,164
...	...	459,826	179,487	143,795	5,652	13,740	...	802,500	12,680	815,180	729,298
7,500	1,578	328,517	139,028	122,479	9,976	...	...	600,000	20,363	620,363	586,400
600	...	130,338	27,326	28,117	1,800	7,419	...	195,000	...	195,000	220,000
...	1,000	211,000	24,800	54,580	9,620	...	...	300,000	12,030	312,030	295,000
26,000	540	195,000	22,500	37,500	2,500	...	...	257,500	...	257,500	*242,800
...	...	92,202	8,000	13,360	838	...	...	114,400	...	114,400	90,000
3,750	365	20,487	6,624	7,569	320	...	...	35,000	...	35,000	40,000
...	...	41,401	7,200	7,208	351	...	...	56,250	...	56,250	*11,367
...	...	53,567	10,279	11,532	872	...	...	76,250	...	76,250	*12,075
...	...	5,865	1,785	2,150	200	...	...	10,000	...	10,000	*6,000
...	...	31,497	...	...	...	...	...	31,497	...	31,497	...
394,059	9,134	3,400,612	1,016,568	873,435	73,226	21,159	15,000	5,400,000	207,425	5,607,425	4,851,329
403,193		4,417,180		Loss by Railway Exchange						171,215	256,900
				Grant from one per cent. Income Tax Fund ...						110,000	250,000
				Grand Total						5,888,640	5,358,229

distributed in the present Budget-Estimate as follows :—
under the North-Western Provinces.
under British Burmah.

G. CHESNEY,
Accountant General.

Note by Accountant General, Public Works Department, dated 31st March 1865, on the General Imperial Budget Estimate of expenditure on Public Works in India for 1865-66.

The undersigned has the honour to submit, in accordance with the practice established last year, the General Budget Estimate of expenditure on Public Works in India for 1865-66.

2. The items composing the aggregate grant for Public Works for 1865-66, as entered in this document, are as follows :—

	£
Grant assigned in Public Works Department in Circular No. 2 of 1865,	4,700,000
Extra grant assigned to Bombay in consideration of receipts from sales of land and contribution- -	700,000
Amount passed for State expenditure on Railways as per Financial Statement, 1865-66 - -	207,425
Loss by Railway exchange as per ditto	171,215
Grant from the one per cent. Income Tax fund as per ditto - -	110,000
Total -	5,888,640

3. According to Public Works Department Circular No. 2 of 1865, the grant for Military works was fixed at £ 1,250,000. In the Budget Estimate now submitted, it is entered as amounting to £1,485,248. The difference of £235,248 is thus comprised :—

	£	£
Extra grant assigned to Bombay for Military works in consideration of receipt from sales of land		215,000
Additions to the grant passed for Military works, a corresponding reduction being made under other heads of service :—		
Oudh	21,018	
Straits Settlements	2,410	
		23,428
		238,428
Deduct—		
Aggregate of grants for churches properly debitable to the Military grant, being for purely Military requirements, but which according to the Budget classification have been entered in the estimate under heading Civil Buildings—		
Hyderabad	680	
Rajpootana	1,000	
Central India	1,500	3,180
Difference as above stated		235,248

4. A sum of £73,397 has been deducted in the Government of India Budget Orders from the grant originally made to Madras, consequent on that amount having been diverted to other objects from the portion of the grant specifically allotted for Military works; and £50,000 of the sum thus retrenched has been transferred to Bengal to increase the assignment for Military works in that province. £23,397 remains therefore unapplied, which has been entered in the estimate against the heading Unappropriated Grant.

5. A sum of £8,100 entered against the same heading in the column Communications, is the amount disallowed from the allotment to Hyderabad, in order that the expenditure in the Assigned Districts may not exceed the receipts of the year.

G. CHESNEY, *Major,*
Accountant General.

MADRAS BUDGET ORDERS, 1865-66.

1. The grant for Public Works throughout India in 1865-66 included a special provision of 70 lakhs for new military works, thus raising the allotment for all military works to 125 lakhs, as compared with 85 lakhs in the current year. The amount was distributed amongst the several Local Governments and Administrations according to the best information available, but with the proviso that in the event of the assignments exceeding, in any case, the actual requirements for military works, they should not be diverted to other objects, but a corresponding reduction should be made in the total of the Budget Estimate.

2. Out of the total allotment made to Madras, 70½ lakhs, the assignment specially appropriated for military works under the conditions above stated was 16 lakhs. But the estimate provides for an expenditure of only Rs. 8,66,033, and the Madras Government proposed to apply the difference to works of public improvement, and the estimate has been framed under this view. The Government of India was unable to accede to this proposal, and it became necessary to ask the Government of Madras to specify the items in the estimate which it would desire to select for reduction, to the extent of Rs. 7,33,967, the amount by which the estimate, as framed, falls short of the special appropriation for military works.

3. This has now been done, the reductions being under the following heads of service :—

	Rs.
Civil Buildings - - -	72,834
Agricultural - - -	3,03,552
Communications - -	3,47,581
Miscellaneous Public Improvements -	10,000
Total -	7,33,967

4. The items selected for reduction are for works whose progress may be deferred with the least detriment to the public service, and the Governor-General in Council approves of this course having been adopted. His Excellency in Council is duly sensible of the importance of these works to the well-being of the country, and the ultimate improvement of the revenue, but the limited means at the disposal of the Government renders their postponement unavoidable. The paramount necessity of providing improved barrack accommodation for the European troops has forced the Government of India to obtain the requisite funds in an extraordinary manner, and it is impossible to divert the special grants for this object to any other purposes whatsoever. The grants for Military Works to the several Presidencies and Local Administrations were of necessity somewhat arbitrarily fixed, and therefore may not correspond exactly with actual requirements. The surplus surrendered Madras will however certainly be required to supplement the grant for

military works elsewhere, and indeed 5 lakhs has already been transferred to Bengal, the original appropriation made to that Province being found to be insufficient. The total grants made to the several Governments were based on the consideration of the sums that would be available for the various heads of service; and it is to be remarked that one chief cause of the large reduction on works of improvement at Madras is that the establishment charges are so heavy.

5. The following items of the Budget-Estimate, as revised, seem to call for remark :—

MILITARY.

6. *No. 5.—Constructing new Dragoon Barrrcks at Bangalore.*—The proposed allotment on this work implies an excess in the actual cost over the original estimate. If the revised exceeds the original estimate by more than 10 per cent., it should be referred to the Government of India before the amount originally sanctioned has been expended.

7. *No. 7.—Racket Court at Trichinopoly*—Rs. 10,580 seems far too large a sum for a racket and fives court.

CIVIL BUILDINGS.

8. *No. 18.—Amalgamating the Madras Male and Female Asylum with the Lawrence Asylum.*—The expenditure on this work was commenced in 1863-64, and continued during the current year, without the authority of the Government of India, and without, apparently, any estimate having been sanctioned even by the Government of Madras. This point was remarked upon in the Budget Orders of last year, and attention is again called to the apparent irregularity.

9. *Nos. 21 & 22.—Taluq Cutcherries at Ramchundrapoor and Amalpoor.*—The estimated cost of these buildings seems high, and the attention of the Government of Madras is requested to this point.

COMMUNICATIONS.

10. *No. 83.—Road from Aska to Darangabad.*

11. *No. 110.—Road from Mysore Frontier to Tambracherry Ghat.*

12. *No. 111.—Completing Terriote Road.*—The construction of these works also seems to have been commenced without any estimates.

13. *No. 112.—Carcoor Ghat and road to Tippacadoo.*

14. *No. 128.—Minor drains and bridges on the road from Mangalore to Cannanore.*—The same remarks apply to these works, to which exception was taken in the Budget Orders of the previous year on the same grounds.* The Government of India must again record an opinion that it is not satisfactory that expenditure should be incurred or appropriations made, except upon sanctioned estimates.

* *Extract, para. 11, Budget Orders of 1864-65.*

"The Government of India cannot but regard any violation of the Budget Rule, which requires that no work shall be put in hand unless on a sanctioned estimate, as unsatisfactory, and considering the very moderate sums spent yearly in Madras on works of public improvement, it should surely be practicable to have properly considered projects and sanctioned estimates ready, to the full extent of the sums available. The particular attention of the Madras Government should be directed to this point."

REPAIRS.

15. The total estimate on account of repairs is 25 lakhs, of which 12 lakhs are for "Communications." It may be noticed that this is a very much larger sum than is applied to the same purpose in any other Presidency or Province, and necessarily reduces the amount available for original works.

16. The estimates for roads to be repaired by the Municipal Commissioners, amounting to Rs. 35,897, and for repairs to local markets at the Presidency and at Coimbatore, hardly appear to be legitimate charges against the Imperial grant for Public Works. Explanation is requested on this point, meanwhile the grant may stand.

ESTABLISHMENTS.

17. The Staff salaries of all the Superintending Engineers have been set down at the rate allowed for the 1st class. It was understood from paras. 7 and 8 of letter No. 3722—409 of 16th December 1863, from the Secretary to the Government of Madras, Public Works Department, that a proportion of the Superintending Engineers would be of the 2nd class, pending settlement of the question of Madras Public Works establishments generally. Explanation is requested on this point. It may be explained that the Government of India has lately recommended to the Secretary of State that a proportion of the Superintending Engineers throughout India should be of the 2nd class.

18. The total charge (Rs. 15,63,000) is allowed, it being understood that the grant must be considered subject to any orders finally passed on the Madras Establishments in the Financial Department, to which the proposals for their reorganization have been lately referred. It must be observed, however, that although in the correspondence from the Government of Madras which accompanied those proposals, frequent reference was made to the supposed economy and reduction of expense of the new organization, the establishment charges this year amount to 22·6 per cent. on the original estimate, and more than 25 per cent. on the estimate as now passed. This is exclusive of the charge for irrigation establishments, amounting to Rs. 88,000, the final incidence of which has still to be determined in the Financial Department.

19. The total charge for direction is estimated at Rs. 3,02,058, or about 4·8 per cent. on the total revised estimate. This is a higher ratio than obtains in any other Presidency or Province.

20. The sum of Rs. 62,640 for Accountants in the several range offices should be shown under "Construction," and not under "Accounts."

21. It should be stated, to prevent mistakes, that the special allowance to officers at the Presidency provided for in the estimate, cannot be drawn in addition to the allowance admissible under the new rules contained in Standing Order No. 13 of 1865, *viz.*, the allowance to every officer under the rank of First Grade Executive Engineer of the pay of the next highest grade to his own.

INDENTS ON LONDON.

22. A sum of Rs. 14,000 is included on account of machinery for the Madras pier. Explanation is requested as to whether this should not be provided out of the Madras Port Fund.

RAILWAYS.

23. Separate orders have been passed on the estimates of Railway expenditure.

24. The following will be the distribution of services as now arranged :—

	Original Works.			Repairs.	Total.
	Major.	Minor.	Total.		
	Rs.	Rs.	Rs.	Rs.	Rs.
Military	5,81,477	1,51,700	7,33,177	1,32,856	8,66,033
Civil	3,41,467	1,19,250	4,60,717	1,35,084	5,96,701
Agricultural	86,215	1,73,603	2,59,818	10,00,000	12,59,818
Communications	3,15,674	1,32,050	4,47,724	12,00,615	16,48,339
Miscellaneous Public Improvements ...	11,597	40,000	51,597	30,545	82,142
Total ...	13,36,430	6,16,603	19,53,033	25,00,000	44,53,033
Establishments					15,03,000
Tools and Plant					1,50,000
Total ...					61,06,033
Add—					
Irrigation and Canal Company					1,50,000
Railway estimate as passed					1,56,515
Grand Total ...					64,72,548

The difference between this aggregate amount and that of the original estimate, is the sum of the items struck out of the estimate for works (as per schedule attached), Rs. 7,33,967, adding Rs. 4,602 on account of the Military pay of the Consulting Engineer and his Deputy, struck out of the Railway Budget Estimate.

Fort William,
3rd April 1865.

C. H. DICKENS, *Lieut. Col.*, R. A.,
Secy. to Govt. of India, P. W. Dept.

APPENDIX TO MADRAS BUDGET ORDERS FOR 1865-66.

Schedule of items reduced or struck out of Budget submitted by Local Government.

Number of Items in Budget.	Description.		Amount.	Total on each head of Service.
	Civil Buildings.		Rs.	Rs.
28	Foundry at Chepauk	Struck out	20,000	
55	Central Jail at Rajahmundry	Reduced by	10,000	
56	New Jail at Coimbatore	"	32,834	
	Minor works	"	10,000	
				72,834
	Agricultural.			
58	Raising the Godavery Anicut	Struck out	81,745	
59	Improvements to the Akeed Canal	"	20,000	
61	Channel from Vallabapuram to tide water, &c.	"	20,000	
62	Sloping banks and enlarging head of main canal at Seetanagaram...	"	20,000	
63	Widening portion of Poolair from Pamairoo to Bantoomilly ...	"	22,710	
64	Extension of Cammamoor Channel from Doogaralla to Chinna Gangaw	"	30,000	
69	Channel from Vencatagerry River to Chennoor Tank	"	4,000	
71	Extension of irrigation under Cheyoor Anicut at Poothoor ...	"	19,700	
72	Cutting Pombey Channel from bank of Ponair Anicut at Villapuram and Ellavanasoor Taluqs	"	10,000	
73	Constructing anicut across Mainmutta Nady at Komaramangalam	"	10,000	
75	Masonry sluices to Thadapally Channel, Erode Range... ...	"	5,000	
78	Improvements to Nellore Tank	"	6,000	
80	Improving embankment along margin of Penair River west of Nellore	"	6,000	
81	Clearing and improving Manunghy drainage channel, &c. ...	"	5,000	
	Minor works	Reduced by	43,397	
				3,03,552
	Communications.			
86	Road from Aska to Ganjam Port and Salt Pans	Struck out	20,000	
87	Road from Vizagapatam to Casepore, 40 miles	"	20,000	
88	Trunk Road No. VI from Chittavalsa to Chicacole	"	15,000	
89	Petta Ghât Road	"	15,000	
90	Trunk Road No. 6 from Seetanagaram to Guntoor	"	5,000	
92	Constructing embanked road, &c., across Musanur Valley on Trunk Road No. 6	"	12,000	
95	Completing the road from Royachoti over the Ghât to the Railway Station at Raspett	"	20,000	
98	Improving road from Tripaty to Tripaty Railway and Calastry ...	"	14,150	
99	Metalling, &c., 16 miles of Trunk Road between Papanahpet and the Coleroon River	"	5,000	
100	Constructing cart road between Taramangalum and Railway Station at Sooramungalum	"	5,000	
102	Coonoor Ghât new trace, Neilgherry Range	"	40,000	
103	Bargoor Ghât, new trace, Bowany Range	"	15,000	
106	Goodaloor Ghât, new trace, South Wynad Range	"	17,000	
107	Periah Ghât, new trace, North Wynad Range	"	14,500	
114	Road from Teroomangalum on Trunk Road No. IV to the Coimbatore boundary	"	14,852	
115	Road No. 8 from Palamcottah to Tuticorin	"	9,132	
117	Iron girder bridge, Cocanada	"	35,000	
119	Masonry works on Trunk Road No. VI between 116th and 185th miles	"	15,000	
122	Bridges, &c., connected with Poiney Project, Poothoor ...	"	35,947	
131	Excavating boat channels, Cheyoor	"	10,000	
	Minor works	Reduced by	10,000	
				3,47,581
	Miscellaneous Public Improvements.			
	Minor works	Reduced by	10,000	10,000
		Total ...		7,33,967

BOMBAY BUDGET ORDERS, 1865-66.

This Estimate, although submitted much earlier than in the previous year, has still been received after it was due, and has come up in manuscript instead of in print. This delay may, however, be partly attributable to the late date at which the military grants for the year were announced, and after all that has been said on the subject, the Governor General in Council hopes that hereafter the Bombay Budget Estimate will be submitted with due attention to punctuality.

2. The estimate is framed for 187¾ lakhs, and the assets from which this sum is available are stated as follows :—

	Rs.
Ordinary Imperial Grant	86,00,000
Contributions from Local Funds for Imperial Repairs and Establishments	7,80,000
Balance of funds already realized by sale of land, &c., in connection with the ramparts removal at Bombay	43,43,747
Amount to be received in 1865-66 on account of land already sold ...	10,50,000
Contributions in 1865-66 from the Bombay Harbour Board ...	50,000
Estimated amount to be realized by further sales during 1865-66, or ensuing years	24,50,000
Contributions from private sources for special works	3,05,000
Total assets...	1,75,78,747
Add Grant for Railways	17,19,000
	1,92,97,747

3. The difference between the amount of the estimate and the assets as above, Rs. 518,355, is the difference between the estimated expenditure on the special works executed from the land sale proceeds, and those proceeds, and will constitute a balance available for expenditure in the succeeding year.

4. But the figures set down as balance of land sales funds, Rs. 43,43,747, are not understood. From the last estimate obtained regarding the state of the fund, which was submitted by the Deputy Auditor General, the figures would appear to be as follows :—

Realized previously to the year 1864-65	4,50,000
Estimated realizations during 1864-65	56,47,000
	60,97,000
And the estimated expenditure on the works chargeable to the fund up to end of 1864-65, as per the Budget Estimate now under review, is set down as	51,71,000
leaving a balance to be carried forward to next year of	9,26,000

instead of 43½ lakhs.

5. The above sum of Rs. 51,71,000, however, includes the charges, Rs. 24,44,000, for the Bombay Harbour Works, which were originally commenced from imperial works, but which are debitable to this fund, though the Bombay Government appear not to have calculated the assets in this way. Still from the way in which the account is set down, it is impossible to say how the figures have been arrived at. When first this special fund was established, the Government of India desired that a clear account might be supplied annually showing the receipts and expenditure on account of this fund, and had such an account been supplied with this estimate, and brought up by approximate figures to the end of 1864-65, there would have been no difficulty in dealing with the matter. As it is, the grant cannot in the present aspect of affairs be passed, otherwise than provisionally, and the Governor General in Council is compelled to request that no new works chargeable to the special fund may be commenced, nor any accelerated expenditure on those in progress be undertaken in the coming official year, until the required account shall have been rendered to and approved by the Government of India.

6. Of the ordinary imperial grant, 86 lakhs, 23 lakhs was specially set aside* for military works, but the sum here estimated for is Rs. 21,69,990; the difference Rs. 1,30,010 has been applied to other Heads of Service, and the Government of Bombay expresses a hope that this arrangement will not be disturbed.

* Public Works Circular No. 2 of 1865.

7. The Governor General in Council is unable to agree to a diversion of the special military grant to any other purpose. The principle enunciated on this head in the Circular quoted above must be maintained inviolate, and unless the sum in question can be usefully applied to military works in the Bombay Presidency, it will be necessary to make it available for the very urgent wants for military buildings which are apparent in other parts of the country, and which the grant already distributed for 1865-66 will apparently be insufficient to meet. If, however, the Government of Bombay is able, on further consideration, to propose a useful application of this surplus of the military grant, Rs. 1,30,010, the Government of India will be ready to agree to its appropriation in this way. The amount of the imperial grant may therefore stand for the present at 86 lakhs, 23 lakhs being applied to military works, subject to the orders to be passed on the proposals for re-appropriating the surplus above-named, when those proposals shall be laid before the Government of India.

8. Turning now to the detailed items in the estimate, the Governor General in Council, with every desire to meet the views and wishes of the Government of Bombay to the fullest extent practicable, is yet compelled to dissent from many of the proposals for appropriations of funds. The opinion of the Governor General in Council on the points where it differs from the Government of Bombay are recorded, amongst other matters, in the following remarks, to which the particular attention of His Excellency the Governor in Council is requested. With the large expenditure impending and already in course of being incurred throughout the country for military works, and with the constantly increasing demands for other works of all descriptions, which come under the notice of the Governor General in Council, it behoves every Government in India to exercise the greatest care in incurring expenditure, and to confine its demands to what is really necessary. The Government of India is not satisfied that this has

been sufficiently kept in view in drawing up the estimate now under consideration.

MILITARY.

9. *Item No.* 1. (*Special Fund*) *Bombay Harbour Defence.*—The Governor General in Council particularly requests that the final estimates for these works may be sent up as soon as possible. The expenditure has now reached 24 lakhs, all on unsanctioned estimates.

10. *Item No.* 4. *Scarfing Battery at Aden; estimate Rs.* 53,855.—Grant for 1865-66, *Rs.* 8,000. This work appears to have been commenced. The Government of Bombay is reminded of the express injunction of the Secretary of State that no expenditure is to be incurred on fortifications without the sanction of the Government of India. It is requested that the estimate may be sent up as soon as possible. Meanwhile sanction must be suspended.

11. *Item No.* 5. *Battery on Flint Island, Aden; estimate Rs.* 39,788; *grant for* 1865-66, *Rs.* 5,000. Similar remarks apply.

12. *Items Nos.* 7 *and* 8. *Latrines for Station and Sudder Bazar at Deesa, Rs.* 7,824 *each.*—The amount seems high for the purpose, and the latrines in the bazar should be provided from local assessment. Item No. 8 is accordingly struck out.

13. *Item No.* 9. *New roads in Canntoment of Dessa; estimate Rs.* 28,185; *grant Rs.* 10,060.

14. *Item No* 13. *Metalling roads in Cantonment of Poona; estimate and grant Rs.* 21,955.—The amount seems excessive in each case. The grants of the year are reduced one-half, and the Government of Bombay is requested to cause the total estimates to be reduced in the same proportion.

15. *Item No.* 13. *Water-supply at Ahmednuggur; grant Rs* 12,468.—Explanation is requested whether this work is intended for the use of the troops, or for the station generally. If intended for the latter, the work appears to be hardly chargeable to imperial funds.

16. *Items Nos.* 32 *and* 33.—*Convalescent ward for Hospital of European Regiment, and ward for cases of contagious diseases at Deesa.*—It is requested that these works may be deferred, pending orders on Lieutenant Colonel Crommelin's report on this class of buildings. The grants may stand.

17. *Item No* 39.—*Manure yards in the sheds for dry earth for European Regiment at Deesa.*—It is requested that the details of this project may be reported for the information of the Government of India.

18. *Item No.* 42. *Barracks at Mount Aboo.*—The Government of India observe with regret that these Barracks have been begun without sanctioned estimates, the estimates being moreover beyond the powers of sanction of the Government of Bombay.

19. *Item No.* 48. *Barrrcks at Teethul to be used as sanatarium; estimate* (*approximate*) *Rs.* 5,00,000; *grant Rs.* 1,00,000.—The grant may stand on the understanding that no expenditure is to take place until the estimates have been finally approved by the Government of India.

20. *Item No.* 59.—*Matron's and Assistant Matron's quarters at Kirkee.*—The details of this project should also be submitted for information.

21. *Item No.* 66. *Billiard and bagatelle rooms and coffee room for Cavalry at Ahmednuggur.*—Billiard and bagatelle rooms have not yet been sanctioned as recognized standard requirements, but the grant may stand pending settlement of the question in the Military Department.

22. *Item No.* 72. *Sanatarium at Gizree.*—Further orders will be issued hereafter in communication with the Military Department.

23. *Item No.* 85. *Slaughter House for Poona and Kirkee.*—This item is sanctioned, subject to orders about to issue regarding the standard plan.

24. *Item No.* 87. *Offices for the Adjutant and Quarter Master General's Department, Poona; estimate Rs.* 1,04,086; *grant Rs.* 78,000.—The estimate appears large for the purpose, and the grant must be disallowed. The Governor General in Council will be prepared to agree hereafter to a proposal for a moderate expenditure on this account, but it must be something far less than what is here proposed. And the Governor General in Council does not consider the work an urgent one. Very few of the public departments throughout the country are concentrated yet in Government buildings.

CIVIL BUILDINGS.

25. *Item No.* 98. *Erecting four* 5-*ton Cranes on the Town Custom House Bunder at Bombay, Rs.* 23,052.—Explanation is requested whether this expenditure should not more properly be met from the Port Fund. Meanwhile sanction to the execution of the work is suspended, the grant standing recorded.

26. *Item No.* 101. *Assistant Collector's House and Cutcherry at Godra, Rs.* 15,000.—The Government of Bombay has been addressed on the general subject of dwelling houses for Civil Officers. Pending a reply and a decision thereon, the grant must be disallowed.

27. *Item No.* 110. *Officers and buildings for the Anglo Telegraph Establishment at Kurrachee; estimate Rs.* 2,19,217; *spent Rs.* 1,00,000; *grant Rs.* 75,000.—It is explained that the Government of Bombay, in compliance with the desire of the Government of India, has returned the estimate to the Commissioner in Sindh for revision, with orders to reduce the probable cost of the work to within two lakhs. But the Governor General in Council considers this reduction insufficient, and requests that the total expenditure on this work may be kept within one and a half lakhs. In this view the grant of the year is reduced to Rs. 50,000.

28. *Item No.* 115. *Church at Kirkee; estimate Rs.* 58,990 *from the Special Fund; grant for* 1865-66, *Rs.* 55,490.—The Governor General in Council considers that this work is not a fair charge to the special fund, and is compelled to require that the item be struck out.

29. *Item No.* 117. *Poona Church; estimate Rs.* 53,993; *spent Rs.* 30,000; *grant Rs.* 28,793.—This estimate appears very high. The Government of India has laid down the principle that in every case where a church is required, funds shall be provided for building one, but that only as much expenditure shall be incurred as may be sufficient to provide a substantial but perfectly plain edifice, all ornamentation being defrayed from private subscription. It is only by keeping to this rule that it will be possible to meet, in any

reasonable time, the demand for the construction of Churches which has arisen from all parts of India. Explanation is therefore desired as to whether this rule has been observed in the present case; pending which, as the work is far advanced, the grant may stand.

30. *Item No.* 118. *Church at Belgaum; estimate Rs.* 44,030; *grant Rs.* 26,675.

31. *Item No.* 120. *Church at Aden; estimate Rs.* 46,439; *grant Rs.* 20,000.—Upon these items the remarks as per margin were recorded in the Budget Orders of the previous year. They are again brought forward, and represented to be urgent works, and the Governor General in Council quite agrees that churches of some kind should be built at these two stations, but as the Government of Bombay has not yet replied to the opinions expressed in those orders, His Excellency in Council is compelled again to disallow the grants.

Extract para. 17, Bombay Budget Orders of 1864-65.

"The proposed outlay on churches seems very large, and appears in many cases to go far beyond what is understood to be allowed under the general rules on this subject laid down by the Home Government. Rs 46 439 for a 2nd church at Aden, Rs 60,116 for a church at Nusseerabad, where the only European population is the Military force, and Rs 44,030 for Belgaum which is by no means an important place; all appear to the Governor General in Council sums in excess of what is allowable"

32. *Item No.* 121. *Elphinstone College; estimate Rs.* 5,18,553; *grant Rs.* 2,00,000.—The grant is passed with the proviso that no outlay is to be incurred until the estimate has been approved by the Government of India.

COMMUNICATIONS.

33. *Item No.* 159. *Road and Bridges between Gogo and Dandooka; estimate Rs.* 6,02,825; *spent Rs.* 8,37,937; *grant Rs.* 2,50,000.—Attention is requested to the remarks made on last year's estimate regarding this work as per margin. The revised estimate for the work should be sent up without delay.

Estimate increased from Rs. 2 90,945 to Rs. 6,02,825 without Government of India's sanction.

34. *Items Nos.* 167 *and* 178. *Road from Bankipoor to Hurryhur and bridges on road from Bankipoor.*—These works form one project which is beyond the competency of the Government of Bombay to sanction. The practice of breaking up projects into portions, and thus bringing them apparently within the power of sanction of the Local Government, was objected to in last year's Budget Orders, which should have prevented a recurrence of such cases.

35. *Item No.* 172. *Bridge over Moota Moola, on the Poona and Ahmednuggur Road; estimate Rs.* 1,63,102, *Special Fund; grant for* 1865-66 *Rs.* 70,000.—The Government of India has already declined* to admit this charge as a debit to the Special Fund; the item is therefore struck out.

* No. 94 A, 557, dated 1st February 1865.

36. *Item No.* 175. *Bridge across the Seena River on the road from Bursee to the Bursee Road Station; estimate Rs.* 87,000; *spent Rs.* 81,000; *further grant proposed, Rs.* 73,074.—Explanation is required of the enormous excess over estimate.

37. The grant for Minor Works Communications is reduced from Rs. 1,48,605 to Rs. 1,05,270; this is in view to make up the required increase to the Military part of the grant.

38. *Item No.* 182. *Constructing new road at Bombay. Item No.* 187; *works in connection with the Apollo pier extension, (Special Fund).*—These works both require the sanction of the Government of India, and it is requested that the estimates may be sent up as soon as possible.

39. *Item No.* 186. *Moody Bay Reclamation; estimate Rs.* 59,08,960; *spent Rs.* 7,69,403; *Grant Rs.* 28,79,603. [Special fund.] As it must be doubtful whether the whole amount of this large grant will be expended during the year, His Excellency the Governor General in Council is pleased to reduce it by Rs. 5,54,902, leaving Rs. 23,24,701 as the assignment for 1865-66. If towards the end of the year it is found that further outlay can be advantageously incurred on the works, His Excellency in Council will be prepared to consider a proposal which may be then brought forward for an augmentation of the grant, provided funds are shown to be available for this purpose. By this reduction the total expenditure to be incurred from special funds will be fixed at 70 lakhs.

MISCELLANEOUS PUBLIC IMPROVEMENTS.

40. *Item No.* 189. *Karwar Harbour Works; estimate Rs.* 7,72,715; *spent Rs.* 5,53,530; *grant Rs.* 50,000.—Attention is drawn to the remarks made on this work in the Budget Orders of the previous year.*

* *Extract para.* 33 *of Budget-Orders,* 1864-65. The harbour works at Karwar still go on without the Government of India having been furnished with any explanation of what is contemplated.

41. *Item No.* 190. *Kurrachee Harbour Works; estimate Rs.* 22,10,000; *spent Rs.* 27,68,652; *grant Rs.* 2,16,000. Attention here also is drawn to the remarks made in last year's Budget Orders,† to which no attention has yet been received. The grant may stand, provided that it is not intended to be applied to new works or extensions of those hitherto in progress, on which point an early reply is requested.

† *Para* 34 *of Budget Orders*

The revised estimates for the Kurrachee Harbour Works have also not been furnished, though more than the entire sum sanctioned has already been spent, and the works not nearly completed The Governor General in Council, having regard to the fact that the sanctioned estimates have already been exceeded, directs that no new works or extension of those hitherto in progress shall be commenced until the estimates have been passed under the regular rules by the Government of India. If work has been commenced on such works, it should be suspended

42. *Items Nos.* 192 *and* 193. *Lighthouses on the South-west Prongs and Kennery Island. Special Fund.*—The grants are passed provisionally, subject to approval of the estimates, until which no expenditure is to be incurred.

43. The grant for Military Works having been increased by Rs. 1,30,010, and the items under the head Military as per margin, having been disallowed, a sum of Rs. 2,44,841 becomes available for appropriation on other Military Works, and a proposal for the application of it should be made at once. But if the Government of Bombay has no pressing need for this sum for special Military Works, the Government of India will make it available for distribution among other provinces, the allotments to which are likely to prove insufficient.

	Rs
Item No. 4	8,000
,, 5	5,000
,, 8	7,824
,, 9	5,030
,, 10	10,977
,, 87	78,000
	1,14,831
	130,010
	2,44,841

44. The remaining part of the Imperial Estimate has been reduced by Rs. 1,30,010, the amount by which the Military part has been increased, the reductions having been made under the head Civil Building and Communications, by the disallowance of the items noted in the margin.

	Rs.
CIVIL BUILDINGS.	
Item No. 101	15,000
" 110	25,000
" 118	26,675
" 120	20,000
	86,675
COMMUNICATIONS	
Minor Works	43,335
	1,30,010

ESTABLISHMENTS.

45. A charge of Rs. 1,308 for dawk bungalow establishments is entered, this being a head of Local Fund expenditure, the amount is struck out; the total grant may stand.

46. An item is entered for the salaries of an addition of 10 per cent. to the sanctioned establishment of 220 Upper Subordinates to provide for casualties; half of the sum should suffice, if the 10 per cent. on the number is estimated to be absorbed before the end of the year. It is further observed that the number of Upper Subordinates, 220, is 12 in excess of the strength in the previous year. Explanation is requested on this point.

47. The grants to Bombay under the foregoing orders, and including that for State expenditure on Railways, on which orders will be passed separately, will be as follows:—

	ORIGINAL WORKS.			REPAIRS.	TOTAL.
	Major Works.	Minor Works.	TOTAL.		
	Rs.	Rs.	Rs.	Rs.	Rs.
Military	39,10,181	1,63,017	40,73,198	3,76,802	44,50,000
Civil Buildings	22,47,131	68,154	23,15,275	3,10,199	26,25,474
Agricultural	6,94,364	69,436	7,63,800	4,40,675	12,04,475
Communications	14,86,050	1,05,279	15,91,320	3,76,761	19,68,081
Miscellaneous Public Improvement ...	34,74,595	30,901	35,05,496	15,957	35,21,453
	1,18,12,321	4,36,778	1,22,49,089	15,20,394	1,37,69,483
Establishment					16,37,551
Tools and Plant					1,92,966
Railway					12,19,000
Total ...					1,68,19,000

48. And the funds will be provided from the following sources:—

	Rs.	Rs.
Imperial Grant		86,00,000
" " for Railway... ...		12,19,000
Special land sales fund (*passed provisionally*)...	66,46,000	
Contributions from Harbour Board... ...	50,000	
Ditto from private sources for special works ...	3,05,000	
		70,00,000
		1,68,19,000

49. In addition the following outlay will be incurred by the Public Works Department by a grant-in-aid from Local Funds:—

	Rs.
Repairs Communications ..	5,80,000
Establishment	2,00,000
	7,80,000

50. In conclusion the Governor General in Council observes that the Government of Bombay has received an exceptionally large share of the total Public Works grant, which has only been possible by a corresponding decrease in the grants made to other Governments. It was due to the Government of India on this account that a very careful and well considered application of those funds should have been made, that strict economy should have been observed, and that a spirit of ready co-operation should have been shown in all the orders and wishes of the Governor General in Council. But it appears that many of the projects put forward, particularly those for churches, for the Military Offices at Poona, and for the Telegraph Offices at Kurrachee, are of a needlessly expensive nature. There are many instances of excesses over estimates, and of the construction of works without estimates. Many of the calls made by the Government of India for the submission of projects which require its sanction, and for explanations on various points, have not yet received attention. The Governor General in Council, therefore, finds it necessary to draw the attention of the Government of Bombay to these matters, and to express a hope that they

will be so attended to during the coming year that it may not be necessary to consider the question of revising the proportion of grants, and giving more to those Administrations which conduct the business of their Public Works Department with more attention to the wishes of the Supreme Government than has been apparent in the conduct of the Public Works Department of Bombay.

C. H. DICKENS, *Lieut. Col*, R. A.,
Secy. to Govt. of India, P. W. Dept.

FORT WILLIAM
The 3rd April 1865.

BENGAL BUDGET ORDERS, 1865-66.

The grant for Public Works allotted* to the Government of Bengal for the year 1865-66, was Rs. 68,00,000, and the estimate has been framed for this sum, the proposed distribution being as follows :—

*Public Works Circular No. 2 of 1865.

	Original Works.	Minor Works.	Repairs.	Total.
	Rs.	Rs.	Rs.	Rs.
Military - - - -	1,50,000	1,25,000	3,75,000	6,50,000
Civil Buildings - - -	13,00,000	2,85,000	5,00,000	20,85,000
Agricultural - - -	4,60,000	30,000	2,60,000	7,50,000
Communications - - -	10,97,000	1,55,000	7,30,000	19,82,000
Miscellaneous Public Improvement -	....	5,000	10,000	15,000
Total - -	30,07,000	6,00,000	18,75,000	54,82,000
Establishment - - - - - - -				12,50,000
Tools and Plant - - - - - - -				68,000
		Total - -		68,00,000

2. The proceedings of the Government of India, as per margin, will have informed the Government of Bengal that the grant for Military Works has been increased by 5 lakhs of Rupees, raising the amount to 11½ lakhs.

No. $\frac{188}{1110}$M, dated 28th February 1865.

The distribution of this extra grant will be as follows :—

	Rs.
For Slaughter-houses, &c., &c., ...	20,000
,, Barracks for European troops, Barrackpoor and Sinchal..	1,50,000
,, Native troops, North-Eastern Frontier	1,00,000
,, Ordnance buildings ...	1,80,000
,, Officers' quarters, Alipoor ...	50,000
Total ...	5,00,000

3. As regards the details of the Budget Estimate, the following remarks are called for :—

MILITARY.

4. *Item* 2, *Water-supply, Fort William.*—The computed expenditure to 30th April 1865 is entered as Rs. 50,000, but there is no authority for this expenditure beyond the estimate, amounting to Rs. 21,027, for excavating an additional tank. The estimates, which were ordered to be prepared for the erection of an engine, &c., have not yet been received. The grant may stand with the distinct understanding that no expenditure is to be incurred except upon sanctioned estimates.

5. The amount set apart as "Reserve" is considerably in excess of 10 per cent. on the total allotment, but as the total grant on this account under the five heads of service is not exceeded, this is unobjectionable. The works recommended by the Annual Committees will, however, have to be provided from this sum.

CIVIL BUILDINGS.

6. *Items* 14 *and* 15.*—It is remarked that the cost of these buildings is to be provided for by the Telegraph Department. But as the amounts were transferred from the Budget Estimate of the Telegraph Department of the previous year, no further provision will have been made in the estimates, of that Department for this year on account of these works; consequently the amount required for 1865-66 must be supplied from the Public Works grant for Civil Buildings for Bengal.

	Rs.
*14. Telegraph Office and residence for an Assistant at Burdwan	3,156
15. Telegraph bungalow and out-offices at Sahibgunge.	2,000

7. *Items* 22 *to* 27. *Churches.*—The amount of aid from Imperial Funds required for each of these buil dings, is shown in the following table:—

Detail.	Total Amount of Estimate.	Amount of Imperial Grant.	Amount of Local Subscription.
	Rs.	Rs.	Rs.
22. For new Church at Cachar - - -	18,000	12,000	6,000
23. „ „ at Darjeeling - -	16,000	16,000	...
24. „ new Chapel at Jullapahar - -	Disallowed, *vide* paragraph 8.		
25. „ new Church at Purneah - - -	10,726	3,218	7,508
26. „ „ at Gya - - - -	13,548	9,032	4,516
27. „ „ at Moteehareo - -	7,411	4,941	2,470

These estimates should be revised upon the principles laid down in a Resolution of the Government of India upon the scale of grants for churches which is about to be issued from this Office.

8. The Government of India having declined to sanction the construction of a Chapel at Jullapahar, *vide* Public Works No. 142 A, dated 16th February 1865, item 24 is struck out. A further proposal may be submitted for utilising the amount, Rs. 10,000.

9. *Items* 41 *to* 45. *Police Buildings.*—It does not appear that the authority of the Government of India has been obtained to the formation of the new sub-divisions here referred to. The grant may stand, subject to approval in the Home Department.

Communications.

10. *Item* 78. *Constructing Tezpoor Road,* 16½ *miles.*—This work appears to be in progress without sanctioned estimate. The prompt re-submission of the estimate, which appears to have been returned to the Executive Engineer for revision, should be required.

Repairs.

11. There is a very large increase under this head, *viz.*, from Rs. 17,91,000 in 1864-65 to Rs. 21,50,000 in 1865-66. Of this sum, however, Rs. 18,75,000 only is chargeable to Imperial Funds, the difference Rs. 2,75,000 being chargeable to Local Funds. The charges entered in the schedule appear in many of them to be very high, but the increase appears mainly to have arisen in the divisions at the Presidency, and it is presumed is due to Cyclone damages. Under this view the grant may stand, but the detailed estimates should be very carefully considered, and the Government of India will be glad to receive at any time a proposal to transfer a portion of this grant to that for Original Works.

Establishment.

12. The charges appear to be all in accordance with sanctioned scale, except that for the Head Clerk of the Chief Engineer's Office, which is in excess of the rate allowed for this class of servants. The grant may stand subject to the final orders which may be passed in the Financial Department on the proposals lately sent up by the Government of Bengal for re-organizing the Public Works establishments.

13. The distribution of the grants to Bengal under the above orders, including the grant for State expenditure on Railways, on which separate orders have been passed, will be as follows :—

	Original Works.			Repairs.	Total.
	Major.	Minor.	Total.		
	Rs.	Rs.	Rs.	Rs.	Rs.
Military - - - -	6,50,000	1,25,000	7,75,000	3,75,000	11,50,000
Civil Buildings - - -	13,00,000	2,85,000	15,85,000	5,00,000	20,85,000
Agricultural - - - -	4,60,000	30,000	4,90,000	2,60,000	7,50,000
Communications - - -	10,97,000	1,55,000	12,52,000	7,30,000	19,82,000
Miscellaneous Public Improvements -	...	5,000	5,000	10,000	15,000
	35,07,000	6,00,000	41,07,000	18,75,000	59,82,000
Establishment - - - - -					12,50,000
Tools and Plant - - - - -					68,000
Railway—					
I.—Controlling Establishment - - - -				88,884	
II.—Purchase of Land - - - - - -				1,59,119	
					2,48,003
Total - -					75,48,003

Local Funds to be disbursed by Public Officers.

	Original Works.	Repairs.	Total.	
	Rs.	Rs.	Rs.	
Civil Buildings - - - -	82,868	.....	82,868	
Agricultural - - - - -	15,000	48,500	63,500	
Communications - - - -	14,62,026	2,26,500	16,88,526	
Miscellaneous Public Improvements - -	51,606	.....	51,606	
	16,11,500	2,75,000	18,86,500	
Establishment - - -	.....	.....	4,97,000	
				23,83,500
Total -				99,31,503

FORT WILLIAM,
28th March 1865.

C. H. DICKENS, *Lieut. Col.*, R. A.,
Secy. to Govt. of India, P. W. Dept.

NORTH-WESTERN PROVINCES, PUBLIC WORKS BUDGET ORDERS, 1865-66.

The total grant assigned to the North-Western Provinces, in Public Works Department Circular No. 2 of 1865, was 80¼ lakhs, *viz.*—

for Military Works	... 26 lakhs,	fixed grant.
Civil Buildings	... 10 ,,	approximate.
Public Improvements,	31 ,,	approximate.
Establishments	... 13¼ ,,	approximate.
	80¼ lakhs.	

2. The Budget Estimate, as submitted, provides for the following services :—

	Original Works.			Repairs.	Total.
	Major.	Minor.	Total.		
	Rs.	Rs.	Rs.	Rs.	Rs.
Military	18,97,304	2,10,811	21,08,115	4,91,885	26,00,000
Civil	6,88,242	1,66,599	8,54,841	1,53,854	10,08,695
Agricultural	2,99,715	1,54,940	4,54,655	4,44,000	8,98,655
Communications	7,51,615	2,70,150	10,21,765	7,05,135	17,26,900
Total ...	36,36,876	8,02,500	44,39,376	17,94,874	62,34,250
Establishments ...					14,62,952
Tools and Plant ...					56,515
Railway ...					2,71,283
					80,25,000

3. The points that call for remark will now be noticed.

Military.

4. *Item No.* 39. *Altering existing barracks at Nowgong, Rs.* 75,930.—Of this sum, Rs. 60,000 are transferred to the allotment for construction of new barracks at Nowgong, as proposed in the letter from the Secretary to Government North-Western Provinces, No. 1272, dated 7th March 1865.

Civil Buildings.

5. *Items Nos.* 61 to 77. *District Police Stations, Rs.* 67,506.—These are allowed, subject to sanction of the Government of India in the Home Department.

Agricultural.

6. The allotment for works of this class, and more especially for the remodelling of the Ganges Canal, is so very small as to require to be supplemented from other allotments. The following transfers are therefore made :—

	Rs.	Rs.
From Communications—		
Item No. 108. *Road from Chutterpoor to Dessan River,*	30,000	
Item No. 109. *Road from Chutterpoor to Jubbulpoor Railway*	30,000	
	60,000	
Grants reduced to ...	10,000	
Transferred		50,000
Transferred from Establishments ...		25,000
Transferred from Railway— State expenditure on guaranteed enterprise erroneously included in the Budget Estimate against the grant for Public Works		1,33,883
		2,08,883

7. The Government North-Western Provinces is requested to propose specific appropriations for this amount, on the understanding that the chief portion is to be allotted to works connected with the Ganges Canal. On good cause being shown, however, and provided funds are available, the Government of India will be prepared to consider any proposals for a modification of these orders that the Government of the North-Western Provinces may desire to submit.

8. Attention has been drawn to the very large sum set down for Minor Works, Communications. The Governor General in Council is unable to understand why Minor Works of this class should need such a provision, and trusts that a considerable portion of the grant may be made available for Major Works and especially for the Ganges Canal.

Repairs.

9. The Schedule A for repairs has been drawn up in the correct form, but it was not intended to require so much detail as to fill 16 pages devoted to the details for repairs of Civil Buildings, amounting to Rs. 1,53,854; nearly a page of details is given for items aggregating Rs. 461, when one entry would have been sufficient.

Establishments.

10. The Governor General in Council is unable to sanction the very high estimate for Establishments, and a sum of Rs. 25,000 is transferred from this head to that of Original Works (Agricultural). The anticipated increase of Rs. 46,000, owing to the intended transfer of Accountants to the offices of Executive Engineers, appears excessive, as is also the estimated cost of the Controller's Office under the reduction of work that is about to take place.

Tools and Plant.

11. The machinery and tools ordered from England for the Roorkee Workshops at an estimated

cost of four lakhs may be provided from the reserve, as proposed in para. 4 of the letter from the Secretary to Government North-Western Provinces, No. 663, dated 9th February 1865; but it may be remarked that the Public Works Department Circular No. 33 of 1863 did not direct that Tools and Plant for the Roorkee Workshops should be provided from the Budget Grant. The renewal or addition to the block of those workshops should be met as a rule out of the profits of the shops, and only such portion as cannot be paid for from this source need be a charge against the grant of the year.

RAILWAY.

12. The entire expenditure estimated under this head is shown as against the grant for Public Works, although it was specifically stated in the concluding para. of Circular No. 2 of 1865 that the State expenditure on *guaranteed* Railways would be allowed as additional to the ordinary Public Works grant. The provision made on this account, amounting to Rs. 1,33,883, is therefore available, and has been transferred to the allotment for Agricultural Works.

13. Separate orders have been passed, in connection with the Railway Budget Estimate of the North-Western Provinces, respecting the sums admissible for control and for the purchase of land. The following deductions have been made from the first item:—

Military Pay of Consulting Engineer, North-Western Provinces, being chargeable to Military Estimates ...	Rs.	1,680
Staff salary and contingent expenses of Consulting Engineer, Oudh and Rohilkund, the appointment having been abolished	„	5,400
Total ...	Rs.	7,080

and the sums allowed are—

For control	Rs.	42,103
For land	„	84,700
Total ..	Rs.	1,26,803

14. The following will be the distribution of the grant as now arranged:—

	Original Works.			Repairs.	Total.
	Major.	Minor.	Total.		
	Rs.	Rs.	Rs.	Rs.	Rs.
Military	18,97,304	2,10,811	21,08,115	4,91,885	26,00,000
Civil Buildings	6,88,242	1,66,599	8,54,841	1,53,854	10,08,695
Agricultural	5,08,598	1,54,040	6,63,538	4,44,000	11,07,538
Communications	7,01,615	2,70,150	9,71,765	7,05,135	16,76,900
Total ...	37,95,759	8,02,500	45,98,259	17,94,874	63,93,133
Establishment					14,37,952
Tools and Plant					56,515
Branch Railways					1,37,400
Total ...					80,25,000
State expenditure on guaranteed enterprise					1,26,803
Total ...					81,51,803

FORT WILLIAM,
The 10th April 1865.

C. H. DICKENS, *Lieut. Col.*, R. A.,
Secy. to Govt. of India, P. W. Dept.

PUNJAB BUDGET ORDERS, 1865-66.

The grant made to Punjab is 60 lakhs, and the distribution of this sum proposed by the Local Government is as follows:—

	Major Works.	Minor Works.	Repairs.	Total.
	Rs.	Rs.	Rs.	Rs.
Military	16,85,659	2,00,095	3,14,246	22,00,000
Civil Buildings	3,55,235	45,000	91,822	4,92,057
Agricultural	3,05,167	60,000	3,16,550	6,81,717
Communications	4,78,412	80,601	6,51,878	12,10,891
Miscellaneous Public Improvements	65,000	10,000	15,780	90,780
Total ...	28,89,473	3,95,696	13,90,276	46,75,445
Establishment				12,24,790
Tools and Plant				99,765
Total ...				60,00,000

Military.

2. The proposed grant for Military Works is the sum already fixed by the Government of India in Circular No. 2 of 1865, and the proposed distribution of the year's assignment is approved.

Agricultural.

3. *Item No. 75. New line of Canal between Indree and Boodha Keera, Rs.* 86,000.—This item is allowed to stand, subject to the orders which may be passed on the revised estimate, which should be submitted as quickly as possible.

4. *Item No. 78. Escape channel from Reh Regulator to the Jumna, Rs.* 45,000.—The estimate for this work has not been approved, vide Public Works No. 266 C, dated 4th March 1865. A proposal should be submitted for utilising otherwise the amount thus rendered disposable.

Communications.

5. *Item No.* 89. *Hindoostan and Thibet Road, Rs.* 50,000.—The Government of India is not satisfied that this road should be proceeded with at all. The amount proposed to be spent on it might, with much advantage, be applied to the construction of a proper road between Saharunpoor and Umballah, a work which is important in connection with the probable completion of the railway to the former station at no distant date. The attention of the Punjab Government was called to this subject in letter No. 128 C, dated 6th February 1865.

Miscellaneous Public Improvement.

6. *Item No.* 99. *Constructing a bund and widening channel of Dourana Longana Canal for protecting Mooltan and its neighbourhood from inundation, Rs.* 28,000.—This work appears to be in progress without estimate, regarding which an explanation should be submitted. Further, both this and the following work, "Shajamal Bund, Rs. 12,000," should apparently have been more properly classed under "Agricultural."

Repairs.

7. The Governor General in Council regrets to observe the large increase in the repair estimates generally, the total increase being from Rs. 11,81,579 in 1864-65 to Rs. 13,90,276.

8. With reference to the orders of the Government of India marginally noted, granting an average allowance of Rs. 150 to Rs. 200 per mensem for the repair of cantonment roads at each station in the Punjab, the following items, being largely in excess of this allowance, are remarked on as being apparently excessive, and the Government of India would be glad to hear that it has been possible to reduce these estimates without running the risk of thereby incurring heavier expense hereafter, and to make a larger sum available for Original Military Works.

Public Works Circular Nos. 4296-9, dated 2nd August 1860.

Annual repairs to Cantonment metalled roads, Umballah, at Rs. 1,500 per mile,	Rs. 22,000
Repairs to Cantonment roads, Jullundur	,, 10,000
Annual repairs to Cantonment roads, Ferozepoor, at Rs. 1,500 per mile	,, 15,000
Total	Rs. 47,000

Establishment.

9. The charges under this head provide for Accountants for Executive Engineers' Offices, and are passed subject to orders to be issued on the revised proposal regarding Establishments, which it is understood will shortly be submitted.

10. If the invoices for any of the stores detailed in Appendix D have been received, as would appear to be the case from the remarks which show that part of the stores have come to hand, the amounts of these invoices should obviously be charged to the Budget Estimate of the year 1864-65, as directed in Public Works Circular No. 14 G. G. of 1863, and the amounts provided in this Estimate would become available for appropriation on some other head of service. Explanation is requested on this point.

11. Under the foregoing orders, the Budget Estimate of 1865-66, including the portion for State expenditure on Railways, on which orders have been passed separately, will stand as follows:—

	Original Works.			Repairs.	Total.
	Major.	Minor.	Total.		
	Rs.	Rs.	Rs.	Rs.	Rs.
Military	16,85,659	2,00,095	18,85,754	3,14,246	22,00,000
Civil Buildings	3,55,235	45,000	4,00,235	91,822	4,92,057
Agricultural	3,05,167	60,000	3,65,167	3,16,550	6,81,717
Communications	4,78,412	80,601	5,59,013	6,51,878	12,10,891
Miscellaneous Public Improvements ...	65,000	10,000	75,000	15,780	90,780
Total ...	28,89,473	3,95,696	32,85,169	13,90,276	46,75,445

Establishment			12,24,790
Tools and Plant			99,765
Total ...			60,00,000
Railway—			
I.—Controlling Establishment	Rs.	53,629	
II.—Purchase of land	,,	1,50,000	
			2,03,629
Total ...			62,03,629

FORT WILLIAM,
Dated 3rd April 1865

C. H. DICKENS, *Lieut. Col.*, R. A.,
Secy. to Govt. of India, P. W. Dept.

OUDH BUDGET ORDERS, 1865-66.

The total allotment on account of the Province of Oudh for 1865-66 was 19½ lakhs distributed as follows:—

Military - - -	4½ lakhs.
Civil Buildings - -	3 ,,
Public Improvements-	9 ,,
Establishments - -	3 ,,
	19½ lakhs.

2. The Chief Commissioner represents that in consequence of the almost total cessation of Military Works during the past two years, pending the preparation of standard plans, the requirements for works of this class are considerable and urgent, and that there are also urgent calls for Jails and other new buildings for the Civil Administration; whilst, on the other hand, there is no necessity at present for a very large outlay on works of Public Improvement, which have already received attention from Imperial and Local means. It is proposed, therefore, to curtail the grant for this head of Service, and to increase those for Military and Civil Works, as follows:—

Military - - -	6½ lakhs.
Civil Buildings - -	3½ ,,
Public Improvements-	6½ ,,
Establishments - -	2⅔ ,,
Tool and Plants- -	⅓ ,,
	19½ lakhs.

The estimate is accepted on this basis, subject to the following remarks:—

ORIGINAL WORKS.—CIVIL.

3. Nos. 44 to 51. *Tehseel and Village Schools.*—Amounting in the aggregate to Rs. 24,000, of which Rs. 8,000 will be met from Local Funds. The amount is allowed subject to sanction of the general scheme involving these proposals by the Government of India, in the Home Department.

REPAIRS.

COMMUNICATIONS.

Repairs of Roads and Bridges in the city of Lucknow - - - -	*Rs.* 5,000
Repairs to the Stone Bridge -	200
,, *to the Iron Bridge* -	100
	*5,200

4. These repairs should be made from Local Funds. The amount assigned for them may be appropriated to other Imperial objects; the total grant for repairs may stand.

ESTABLISHMENTS.

5. The charge for establishments is estimated at Rs. 2,81,166, being 14·42 per cent. on the total grant. This is allowed, pending the final orders of the Government of India, in the Financial Department, as to the scale of Establishments for the Province. Certain reductions in the scale submitted by the Chief Commissioner have been proposed by the Government of India in this Department, and in the event of their being carried out, a small sum will become available, for the re-appropriation of which definite proposals can hereafter be made.

* So in original.

INDIAN BRANCH RAILWAY.

6. The estimate for land for the Indian Branch Railway in Oudh provides for a double line with an average width of 165 feet sufficient for an embankment of five feet in height throughout. The estimate may be allowed to stand, but it is to be understood that the land for a double line will only be given on the Company engaging to make a double line, as already intimated in the orders from this Department, No. 208 R, dated 9th March 1865.

7. The following will be the distribution of serivces as now arranged :—

	Original Works.			Repairs.	Total.
	Major.	Minor.	Total.		
	Rs.	Rs.	Rs.	Rs.	Rs.
Military	4,68,700	1,00,000	5,68,700	91,480	6,60,180
Civil Buildings	2,60,000	70,000	3,30,000	29,326	3,59,326
Agricultural					
Communications	3,74,685	24,000	3,98,685	1,52,449	5,51,134
Miscellaneous Public Improvements ...	5,000	1,000	6,000	.....	6,000
Total... ...	11,08,385	1,95,000	13,03,385	2,73,255	15,76,640
Establishments					2,81,166
Tools and Plant					18,000
Indian Branch Railway in Oudh					74,194
Grand Total					19,50,000

FORT WILLIAM,
The 31st March 1865.

C. H. DICKENS, *Lieut. Col.*, R. A.,
Secy. to Govt. of India, P. W. Dept.

CENTRAL PROVINCES BUDGET ORDERS, 1865-66.

This Budget Estimate has been submitted more than a month after it was due, and of the whole of the Public Works estimates for 1865-66 is the one last received. It is stated that the delay arose in part from the late period at which the alteration of the assignment of funds for Military works was received, but this will not account for the whole of the great delay which has occurred. The Governor General in Council hopes that, for the future, measures will be taken to transmit this document by the date prescribed, as want of punctuality in this respect is productive of much inconvenience.

2. The Public Works grant assigned to the Central Provinces for 1865-66 was Rs. 30,00,000. The estimate, excluding Local Funds outlay and the grant for State expenditure on Railways, has been framed for this sum.

3. On the projects brought forward for execution during the year, the following remarks are made :—

ORIGINAL WORKS.

MILITARY.

4. *Item No.* 1. *Military Building at Saugor; no estimate; grant for* 1865-66, *Rs.* 2,00,000.—Sanctioned, subject to such orders as may be passed, in communication with the Military Department, on the proposals brought forward for these works in the Chief Commissioner's Minute, dated 17th December 1864.

5. *Items Nos.* 7. *and* 17. *Regimental Workshops at Jubbulpoor and Kamptee; aggregate grant for* 1865-66, *Rs.* 11,000.—As it is not probable that standard plans for workshops will be sanctioned during the year, the proposed assignment is disallowed. The amount thus made available may be applied to the augmentation of the grant for Minor Works, Military, which will thus be increased from Rs. 62,174 to Rs. 73,174.

6. *Items No.* 11. *Ward for Contagious Diseases and Insane Patients, Artillery, Kamptee; grant for* 1865-66, *Rs.* 8,000.—Disallowed in the absence of detailed explanation, the work not being a standard requirement for troops. The assignment may however stand, proposals being submitted for its re-appropriation to other sanctioned Military works.

7. *Item No.* 19. *Hospital for Native Infantry Kamptee; grant for* 1865-66, *Rs.* 7,900.—Passed. The construction of the work should, however, be deferred until receipt of revised standard plan for Hospitals now under consideration.

8. *Item No.* 22. *Permanent Quarters for* 12 *Families of Asseergurh; grant for* 1865-66, *Rs.* 30,174.

Item No. 23. *Canteen, Library, &c., at Asseergurh; grant for* 1865-66, *Rs.* 9,481.

Item No. 24. *Fives Court, Asseergurh, Rs.* 5,490.—The revised estimates for these works should be submitted to the Government of India for sanction, meanwhile the allotments proposed may stand.

CIVIL BUILDINGS.

9. *Item Nos.* 4 to 43. *Small churches at Hoshungabad, Seonee, Khundwa, and Bhundara; grant for* 1865.66, *Rs.* 18,000.—Information is requested as to the number of persons to be accommodated in these churches, as on this will depend the amount of the grant to be assigned. Meanwhile the allotments proposed may stand.

COMMUNICATIONS.

10. *Item No.* 78. *Anicut and Canal on the Godavery,* 1*st Barrier; grant for* 1865-66, *Rs.* 2,50,000.

Item No. 79. *Anicut and Locks on the Godavery,* 2*nd Barrier; grant for* 1865-66, *Rs.* 1,35,000.—The Chief Commissioner represents that the grant available for this great project is inadequate to ensure reasonable progress, if it be distributed over the whole works; and unless it could be possible to assign an additional Budget allotment for this work, Mr. Temple proposes to give up, for the present, the prosecution of the works at the second Barrier, expending all the available funds on the first. As an extra grant cannot be given, the Governor General in Council is pleased to approve of the Chief Commissioner's proposals, which increases the grant for the first Barrier to Rs. 3,85,000, leaving nothing for the second, the works on which will, therefore, for the present, be suspended.

REPAIRS.

11. The grant under this head is Rs. 2,48,800, that for the previous year having been Rs. 2,71,450, so that there is an apparent saving; but it is understood that the latter grant was found to be very much in excess of the actual requirements, so that it may be hoped a saving will also be possible in 1865-66, and the Governor General in Council will be glad to receive a proposal for transferring a portion of the grant now passed to original works.

ESTABLISHMENTS.

12. The Governor General in Council notices with satisfaction that the grant brought forward for this head of service has been reduced from Rs. 6,22,564 in 1864-65 to Rs. 5,50,000 in 1865-66, there being a diminution of Rs. 60,000 alone in the assignment for the Godavery establishments. A report has been promised, giving the details of this reduction, which will be looked for. It may be hoped that, under the arrangements prescribed in the foregoing para., for suspending work in the 2nd Barrier Division, a still further reduction will be found practicable.

TOOLS AND PLANT.

13. The assignment proposed under this heading for Office furniture and Camp equipage appears to be large. The estimates for these items of outlay should undergo careful scrutiny, so as to ensure that the expenditure on this head may be kept down as much as possible.

RAILWAY.

14. Separate orders will be passed on the grant for this head of service, but it may be remarked that no details have been furnished regarding the items making up the sum of Rs. 30,000 required for land in the Jubbulpoor District. Strict attention should, for the future, be paid to the provisions of Public Works Department Circular No. 70 of 1864 on this point.

15. The distribution of the grant assigned to the Central Provinces, including the State expenditure on Railways, will be as follows:—

	ORIGINAL WORKS.			REPAIRS.	GRAND TOTAL.
	Major works.	Minor works.	Total.		
	Rs.	Rs.	Rs.	Rs.	Rs.
Military - - -	5,41,826	73,174	6,15,000	85,000	7,00,000
Civil Buildings - - -	4,50,000	30,000	4,80,000	23,000	5,03,000
Communications - - -	9,67,000	48,000	10,15,000	1,30,000	11,45,000
Miscellaneous Public Improvement -	.....	.....	.....	10,000	10,000
Total - -	19,58,826	1,51,174	21,10,000	2,48,000	23,58,000
Establishments - - - - - -					5,45,800
Tools and Plant - - - - - -					96,200
					30,00,000
Railway - - - - - -					1,20,300
Total - - - -					31,20,300

16. In addition, the following outlay will be incurred by the Public Works Department by a grant-in-aid from Local Funds :—

	Rs.
Repairs maintaining avenues of trees ...	10,000
Establishment	4,200
	14,200

17. The Budget Estimate has not been quite correctly framed, as the expenditure from other than imperial funds, amounting to Rs. 14,200, has been shown in the upper part of page 1 on the different heads of service; a reference to the pattern forms supplied would have shown that only the net imperial funds should have been entered there.

18. Further, the transmitting letter of the Budget Estimate has been bound up with the Budget Estimate itself, instead of being kept quite separate, as was particularly enjoined in the concluding para. of Public Works Department Circular No. 70 of 1864.

C. H. DICKENS, *Lieut. Col.*, R. A.,
Secy. to Govt. of India, P. W. Dept.

FORT WILLIAM, 11*th April* 1865.

BRITISH BURMAH BUDGET ORDERS, 1865-66.

The estimate includes provision for the extensive works in progress at the convict settlement at Port Blair in the Andamans, now under the control of the Chief Commissioner of British Burmah, but which works have, heretofore, been dealt with in a separate estimate. It also includes the Lighthouse works in the eastern part of the Bay of Bengal, which are provided for in this way as a matter of administrative convenience, although the works are conducted directly under the orders of the Government of India.

2. The Public Works grant to British Burmah for 1865-66, was 25¾ lakhs, the estimate submitted amounts to 27½ lakhs thus distributed :—

	Original Works.	Minor Works.	Repairs.	Total.
	Rs.	Rs.	Rs.	Rs.
Military - - - -	5,86,000	74,000	80,000	7,40,000
Civil Buildings - - -	7,18,000	82,000	45,000	8,45,000
Agricultural - - -	30,000	10,000	12,000	52,000
Communications - - -	2,70,000	30,000	82,600	3,82,600
Miscellaneous Public Improvement -	2,86,000	14,000	5,400	3,05,400
Total - -	18,90,000	2,10,000	2,25,000	23,25,000
Establishment - - - - - - -				4,00,000
Tools and Plant - - - - - - -				25,000
Total -				27,50,000

3. This exceeds the grant by Rs. 1,75,000, but it is explained that the estimate was nearly prepared, and a great portion of it set up in type before the orders fixing the grant for the year had been received. A reduction to the extent of the excess will have to be made, as indicated below.

MILITARY.

4. *Items* 3 *and* 4.—*Brick drains for the European Infantry and Artillery at Rangoon, Rs.* 25,000 + 8,000 = *Rs.* 33,000.—Struck out. It is doubtful whether these are necessary works; at all events they would seem not to be of an urgent character, and may stand over for the present.

5. *Item* 17. *Quarters for Sick Officers, with out-offices at Mount Harriet, Port Blair, Rs.* 8,000.—Struck out. The work does not appear to be absolutely necessary; and it has to be observed that the Local Administration is not authorized to sanction works which are not on the authorized scale of Military Works, even although they be within the limit of sanction.

CIVIL BUILDINGS.

6. *Item* 24. *General Block of Public Offices at Akyab, Rs.* 3,000.—This is allowed to stand, subject to orders on the revised estimate, which should be submitted with as little further delay as possible; upwards of 8 months have elapsed since the original estimate for this work was returned for revision.

7. *Items* 28 *to* 33*.—The Governor General in Council quite agrees with the Chief Commissioner that the object of these buildings is good, but is of opinion that the expense of constructing them should more properly be met from local funds. The amounts may however stand, subject to further explanation on this point.

		Rs.
*28.	Charitable Dispensary and Civil Hospital with Quarters for Sub-Assistant Surgeon, and separate Lock Hospital for females at Thayetmyo	6,000
29.	Charitable Dispensary and Civil Hospital with Quarters for Sub-Assistant Surgeon, and separate Lock Hospital for females at Prome	8,000
30.	Charitable Dispensary and Civil Hospital with Quarters for Sub-Assistant Surgeon, and separate Lock Hospital for females at Myanoung ...	4,000
31.	Charitable Dispensary and Civil Hospital with Quarters for Sub-Assistant Surgeon, and separate Lock Hospital for females at Henzada	4,000
32.	Additions and improvements to the Civil and Charitable Dispensary at Mergui	3,000
33.	New Civil Hospital and Charitable Dispensary with Quarters for an Apothecary and out-offices at Tavoy	8,000
		33,000

8. *Item* 41. *School-room with quarters and out-offices for a Master at Ross Island, Port Blair, Rs.* 7,000.—Disallowed, pending approval of the project by the Government of India, in the Home Department.

9. *Item* 45. *Permanent Court House at Prome, Rs.* 11,000.—Struck out till more urgent works are provided for.

10. *Items* 59 *to* 62.*—These are reduced, the first by Rs. 10,000, and the last 3 by Rs. 4,000 each, making a total reduction in the four items of Rs. 52,000, when they will stand as follows :—

		Rs.
* 59.	Jail at Bassein	30,000
60.	,, at Rangoon	50,000
61.	,, at Thayetmyo	40,000
62.	,, at Tounghoo	40,000

			Rs.
59.	Jail at Bassein	...	20,000
60.	,, at Rangoon	...	36,000
61.	,, at Thayetmyo	...	26,000
62.	,, at Tounghoo	...	26,000

The Chief Commissioner may hereafter be able to increase these grants from savings on other items.

AGRICULTURAL.

11. The projects Nos. 65 to 67 under this head are apparently such as should be submitted to the Government of India for sanction under Budget Rule LVII, as they seem to be parts of a project which, as a whole, is beyond the limit of sanction of the Local Administration.

Original No. 62 of 1864.

MISCELLANEOUS PUBLIC IMPROVEMENT.

12. *Item* 123.—*Lighthouse, dwelling-house, and out-offices, Table Island, Rs.* 50,693.—This is reduced by Rs. 691, allowed Rs. 50,002.

13. *Item* 126.—*Lighthouse on wrought-iron screw piles, Oyster Reef, Rs.* 39,309.—Struck out. The question of this Lighthouse is quite in a preliminary stage, and it is uncertain at present whether the work will be sanctioned. Item 124, Lighthouse at mouth of Rangoon River, Estimate Rs. 30,000, and item 125, Lighthouse on Baragua Flat, may stand, subject to orders on the estimates when received.

REPAIR ESTIMATES.

14. The charges for repairs of cantonment roads are much higher than are allowed in any station in India. These items should, therefore, be reduced, and a proposal submitted for a regular monthly allowance to be fixed with reference to the size of each station, but, in any case, the amount should not exceed Rs. 200 per mensem, that being the maximum allowance for even the largest stations in India.

The total grant for repairs may stand.

ESTABLISHMENT.

15. The proposed Imperial charges under this head amount to 4 lakhs, which is reduced to 3¾ lakhs as follows :—

	Rs.
Transferred to Local Funds — -	14,000
Probable reduction as per para. 39 of letter accompanying the Budget -	11,000
Total reduction -	25,000

16. The Governor General in Council is quite prepared to aid the Local Fund Works, by permitting the employment of Public Works Establishments on them without a full charge being made in proportion. But the proposed debit to Local Funds for imperial establishments, *viz.*, Rs. 12,402, seems too small, being less than one per cent. on the local expenditure to be disbursed by Public Works Officers. It has, therefore, been increased by a reduction of the imperial allotment as above to Rs. 26,402, which is still less than 5 per cent. on the total estimated expenditure from local funds.

17. It is observed that, in the estimate for establishments, some increases have been proposed on the numbers in 1864-65, *viz.*, Engineer Establishment from 17 to 21; Upper Subordinates, 27 to 30; Lower Subordinates, 37 to 44; Office, 62 to 69; Clerks of Controller's Office, 9 to 10. It is, of course, understood that the sanction to the total grant of the year conveys no authoritd to any specific increase of sanctioned numbers, any that any proposals on this head must be separately brought forward for sanction, before any increased expenditure is incurred.

18. Abstract of reductions—

MILITARY.

	Rs.	Rs.
Item 3 - - -	25,000	
,, 4 - - -	8,000	
,, 17 - - - -	8,000	
	41,000	
Deduct transfer to minor works, Military -	1,000	
		40,000

CIVIL BUILDINGS.

	Rs.	
Item 41 - - -	7,000	
,, 45 - - -	11,000	
Items 59 to 62 - -	52,000	
		70,000

MISCELLANEOUS PUBLIC IMPROVEMENT.

	Rs.	
Item 123 - - -	691	
,, 126 - - -	39,309	
		40,000
Establishment - -		25,000
Total -		1,75,000

19. The total grant for the year, modified as above, will stand as follows :—

	Original Works.			Repairs.	Total.
	Major.	Minor.	Total.		
	Rs.	Rs.	Rs.	Rs.	Rs.
Military ...	5,45,000	75,000	6,20,000	80,000	7,00,000
Civil Buildings ...	6,48,000	82,000	7,30,000	45,000	7,75,000
Agricultural ...	30,000	10,000	40,000	12,000	52,000.
Communications ...	2,70,000	30,000	3,00,000	82,600	3,82,600
Miscellaneous Public Improvement ...	2,46,000	14,000	2,60,000	5,400	2,65,400
	17,39,000	2,11,000	19,50,000	2,25,000	21,75,000
Establishment					3,75,000
Tools and Plant					25,000
Total					25,75,000

Local Funds to be disbursed by Public Works Officers.

	Original Works.	Repairs.	Total.	
	Rs.	Rs.	Rs.	
Communications ...	60,000	5,000	65,000	
Miscellaneous Public Improvement ...	4,02,598	70,000	4,72,598	
	4,62,598	75,000	5,37,598	
Establishment			26,402	5,64,000
Grand Total				31,39,000

20. The Governor General in Council observes with satisfaction that a considerable sum (4 lakhs) is to be devoted from Local Funds to important works, many of them calculated to confer a permanent benefit on the country.

FORT WILLIAM,
The 29th March 1865.

C. H. DICKENS, *Lieut. Col.*, R. A.,
Secy. to Govt. of India, P. W. Dept.

HYDERABAD BUDGET ORDERS, 1865-66.

The total allotment for 1865-66 made by Public Works Circular No. 2 of 1865 was 12½ lakhs, of which 6 lakhs was specifically appropriated to Military works.

2. The estimate, as now submitted, was framed before receipt of the above information regarding the allotment of the year. In order to bring up the Military part of the grant to six lakhs, the Resident has subsequently proposed to add—

	Rs.
By transfer of item No. 35 on account of the Roman Catholic Church at Trimulgherry, which, although classed under Civil buildings, is fairly a Military charge ...	6,800
From item No. 44 on account of the road from Omraotee to Ellichpoor, to Item No. 19, Military Works, new Barracks at Trimulgherry ...	30,000
Tools and Plant	2,500
Making the total grant	5,99,921

See para. 4 of Secretary's letter No. 139, dated 31st January 1865.

3. The proposal in respect of the first two items is approved, but as regards the item of Tools and Plant, if it be meant by such diversion that a part of the grant for Tools and Plant is to be charged under head Military Works, this is, of course, a mistake. Tools and Plant is a separate head of service. However, the Governor General in Council decides that the grant for Communications shall be reduced by Rs. 2,500, and the amount added to the grant of Minor Works, Military, with a further sum of Rs. 79 required to make up the aggregate allotment of six lakhs.

CIVIL BUILDINGS.

4. The provision for works of this class amounts to Rs. 1,53,292, inclusive of the sum of Rs. 6,800

on account of the Church at Trimulgherry, which has been added to the allotment for Military Works. The item, however, will still be shown under Civil Buildings according to the usual Budget classification.

COMMUNICATIONS.

5. It is explained in the Resident's forwarding letter that the expenditure on this head, required to bring up the total grant to Hyderabad to 12¼ lakhs, will involve an outlay on works in the Assigned Districts which will exceed the surplus revenues of those districts to the extent of Rs. 81,000. Inasmuch as the expenditure on those districts is regulated by the surplus revenue, it becomes necessary to curtail the allotment for communications which are principally chargeable to the revenues of the Assigned Districts, and the following items have been selected for reduction:—

		Rs.
No. 44.	Road from Omraotee to Ellichpoor; grant reduced from 1 lakh to Rs. 60,000 ...	40,000
,, 46.	Road from Akola to Mallagoan; grant reduced from Rs. 51,820 to Rs. 31,820 ...	20,000
,, 47.	Road from Nandoora to Khamgaon; grant reduced from Rs. 63,906 to Rs. 42,906 ...	21,000
		81,000
Add—		
	Transfer from item No. 44 to Military Works, further reducing the grant from Rs. 60,000 to Rs. 30,000	30,000
	Transfer from Minor Works to Minor Works, Military	2,579
		1,13,579
	By these reductions the grant for Communications will become	2,55,530

6. The following will be the distribution of services as now arranged:—

	Original Works.			Repairs.	Grand Total.
	Major.	Minor.	Total.		
	Rs.	Rs.	Rs.	Rs.	Rs.
Military	4,73,167	64,233	5,37,400	55,800	5,93,200
Civil	1,30,356	18,136	1,48,492	4,800	1,53,292
Communications	1,95,999	40,131	2,36,130	19,400	2,55,530
	7,99,522	1,22,500	9,22,022	80,000	10,02,022
Establishments					1,33,596
Tools and Plant					8,382
Grand Total ...					11,44,000

The difference between the above amount and the Budget allotment of 12¼ lakhs is the sum of Rs. 81,000 struck out on account of works for the provision of which the revenues of the Assigned Districts during the ensuing year are stated to be inadequate.

FORT WILLIAM,
The 31st March 1865.

C. H. DICKENS, *Lieut. Col.*, R. A.,
Secy. to Govt. of India, P. W. Dept.

STRAITS SETTLEMENTS BUDGET ORDERS, 1865-66.

It is explained that this estimate had been framed for 4 lakhs, the amount of last year's allotment, and had been already printed before the receipt of the orders contained in Public Works Circular No. 2 of 1865, fixing the grant of the year at 3½ lakhs. The Local Government proposes certain reductions of items entered in the estimate to the extent of Rs. 50,070, in order to bring the estimate down to the grant. But the allotment for minor works has been taken at Rs. 64,150, or Rs. 29,160 in excess of the proportion of the original allotment, 10 per cent. of which is expressly fixed as the limit of expenditure on this head.

2. A reduction will therefore be first made of Rs. 29,150 under this head, bringing the amount down to Rs. 35,000, or 10 per cent. on the revised grant, and this will leave Rs. 20,840 to be taken from other items, which will be thus obtained:—

	Rs.
Item 3, quarters for Artillery Officers, Fort Cornwallis will be struck out ..	15,000
Item 22, Pry Bridge, the grant will be reduced from Rs. 11,370 to Rs. 5,520, being a reduction of	5,850
Total ..	20,850

3. Reference is made to the want of an appropriation for the new Guard-room and Orderly-room to Fort Canning at Singapore, a work which has been ordered by the Government of India, but for which no place has been found in the Budget Estimate for want of means. The propriety of making a grant for this work will be considered when the detailed estimate comes up for approval to the Government of India.

4. With these remarks the appropriations for Original Works are passed.

5. The estimated for Repairs, Rs. 66,240, shows an advance of Rs. 3,130 beyond that of the previous year, which is explained to be due to the triennial repairs to the Tanglin Barracks.

6. The charge estimated for Establishments shows a small decrease on that of the previous year, but is nearly 22 per cent. on the total assignment. Under the explanation afforded by the Local Government, the charge is passed. It is observed, however, that the salaries of the clerks are entered on a graduated scale, but no such scale has been sanctioned for the Straits Settlements, and the object of entering it is not therefore apprehended. It will of course be understood that the entry and passing of such a charge in the Budget Estimate conveys no sort of authority for carrying out any re-organization or alteration of the pay of Establishments.

7. It is also observed that the pay of the Head Accountant is set down at Rs. 300, but the Head Accountant has been transferred lately to another province, and his successor on first appointment will be only entitled to the lowest rate of pay of his grade, Rs. 250, and it is not apparent therefore why the higher amount has been estimated for. Explanation is requested on this point.

8. The estimate has not been quite correctly framed, as the expenditure from other than imperial funds, amounting to Rs. 25,000, has been shown in page 1 on the different heads of service; a reference to the pattern forms supplied would have shown that only the net imperial funds should have been entered there.

9. The grants as now passed, and re-distributing the grant for Minor Works to meet the reductions made in it, will be as follows:—

	Original Works.			Repairs.	Grand Total.
	Major.	Minor.	Total.		
	Rs.	Rs.	Rs.	Rs.	Rs.
Military	28,100	20,900	49,000	25,100	74,100
Civil Buildings	68,690	6,310	75,000	18,490	93,490
Agricultural	12,800	2,200	15,000	3,500	18,500
Communications	25,280	3,090	28,370	15,500	43,870
Miscellaneous Public Improvement ..	35,000	2,500	37,500	3,650	41,150
	1,69,870	35,000	2,04,870	66,240	2,71,110
			Establishments ...		75,690
			Tools and Plant ...		3,200
			Total ...		3,50,000

Fort William,
The 23rd March 1865.

C. H. DICKENS, *Lieut. Col.*, R. A.,
Secy. to Govt. of India, P. W. Dept.

RAJPOOTANA BUDGET ORDERS, 1865-66.

This Budget Estimate has been submitted more than a month after date, and then only in manuscript. As any irregularity or delay in the submission of this Return is productive of much inconvenience, the Governor General in Council hopes that the Agent, Governor General, will be very particular in future that the strict rules on this head are carefully observed.

2. The Public Works grant assigned to Rajpootana and Central India for 1865-66 was Rs. 13,25,000. This sum, in the absence of instructions as to the apportionment of the grant, has been divided equally between the two Agencies, and the present Budget Estimate has been framed on this basis.

3. For the 6½ lakhs allotted for Military Works, 3¼ lakhs should have been appropriated for this purpose in the Rajpootana Budget Estimate, but through some misconception, Rs. 54,471 of this allotment has been diverted to Establishment and Tools and Plant, as per margin, although it was specifically stated in para. 20 of the Circular that this allotment was available for Military Works only. The proposed appropriation of this sum cannot be agreed to, and a proposal should be submitted for applying it according to the intention of the previous order, i. e., on Military Works; or if the sum be not required, it can be withdrawn and made available for Military Works elsewhere.

Public Works Department Circular No. 2 of 1865.

	Rs.
Establishment	52,961
Tools and Plant	1,510
	54,471

4. The Governor General in Council fully concurs with the Agent on his remarks as to the importance of completing a proper system of roads in Ajmere, and generally of the proposed works in the Rajpootana Agency. But having regard to the fact that extensive works are already in progress in Central India which can only be stopped at a great loss and inconvenience, and as, moreover, the backward state of the estimates for new works under the Rajpootana Agency renders it somewhat unlikely that the whole grant can be spent this year, His Excellency in Council is pleased to transfer one lakh from the Budget Grant for Rajpootana to that of Central India.

ORIGINAL WORKS.

MILITARY.

5. *Item No.* 1. *Deepening and improving a Tank on the left flank of the Cantonments, Nusseerabad; grant for* 1865-66, *Rs.* 6,533.—Half the amount is allowed to stand as an imperial grant, the remainder must be raised locally. On this project orders have been issued in a separate communication.

6. *Item No.* 3. *Bridge over the river between the Commissariat lines and the Barracks, Neemuch; estimate Rs.* 6,974; *grant for* 1865-66 *Rs.* 3,000. —Passed, subject to approval of estimate. There appears to be no reason why this work should not be completed within the year, and the portion of the grant disallowed in the preceding paragraph may be applied to increase the grant for this work to the necessary extent.

7. The items as per margin, aggregating Rs. 6,500, being Minor Works, are struck out and added to the grant for that head of service under Military, which is thus increased from Rs. 25,751 to Rs. 32,251. Attention is drawn to the rules for the mode of entry of Minor Works in Budget Estimates, which should be strictly acted upon in future.

	Rs.
Item 2. Improvements to Cantonment roads and drains, Nusseerabad	2,500
Item 4. Ditto ditto Neemuch	2,500
Item 9. Yard for Barrack Stores, Neemuch	1,500
	6,500

8. *Item No.* 5. *Barracks for a Regiment of European Infantry, Nusseerabad; estimate Rs.* 3,60,307; *computed outlay to* 30*th April* 1865, *Rs.* 1,50,000; *grant for* 1865-66 *Rs.* 1,35,000.—The proposed grant is approved, but the revised estimate for this work should be submitted for sanction as soon as possible.

9. According to para. 3 of these orders the grant for this head of service is increased by Rs. 54,471, for the specific appropriation of which some proposals have to be submitted.

CIVIL BUILDINGS.

10. *Item No.* 13.—*Agency House and Out-buildings, Ajmere, Rs.* 30,000.

Item No. 17.—*Telegraph Office, Ajmere, Rs.* 8,836.

Item No. 18.—*Church at Nusseerabad; grant for* 1865-66, *Rs.* 10,000.

These three grants are passed subject to approval of the estimates, until which no expenditure is to be incurred on account of these works.

The Church at Nusseerabad being intended chiefly for the use of the European Troops at that Station, the estimate may be charged, as proposed, against the Military Grant.

11. *Item No* 19, *Grant-in aid for Church at Ajmere, Rs.* 5,000.—Information is requested as to the number of sittings provided for; as on this will depend the amount of aid to be granted. Meanwhile the assignment may stand, subject to such further orders as may appear necessary.

12. The items as per margin, aggregating Rs. 4,862, being Minor Works, are disallowed, and should be met from the grant for that head of service. The amount rejected may be applied to cover in part the addition made above to the grant for Military Works, leaving Rs. 49,609 still to be provided from other sources.

	Rs.
Item No. 12. Customs Chowkee at Mupooda Tuhseel at Beawr ...	1,012
Item No. 15. Altering Roof of the Agency Hospital, Jeypoor ...	2,500
Item No. 16. Altering Roof of Sepoy and Sowars' Lines, Jodhpoor	1,350
	4,862

COMMUNICATIONS.

13. *Item No.* 21. *3rd Division Mhow and Nusseerabad Road; grant for* 1865-66 *Rs.* 1,68,500.—As the estimates for this work are not ready, and no expenditure has yet been incurred on it, it is very unlikely that the full amount of the proposed grant can be expended during the year. The assignment is therefore reduced by Rs. 1,00,000 transferred to Central India, *vide* para. 4 above. The grant will therefore now remain at R. 68,500.

14. The Government of India is fully aware of the importance of pushing on this work as quickly possible, but there will be no object gained by assigning more funds for the work than can be regularly expended during the year on sanctioned estimates, more specially as properly considered estimates have yet to be prepared and examined, and arrangements made for collecting materials.

15. The following further reductions will be made under this head to make up the balance, Rs. 49,309, of the addition made to the grant for Military Works:—

	Rs.
Item No. 22.—Ajmere and Nusseerabad ... Road ...	35,500
Item No. 23.—Bridge at Kishingurh ..	1,008
Items Nos. 25 *and* 26.— Staging Bungalows at Ajmere and Manglewas ...	4,673
	41,181
Reduction of grant for Minor Works, Communications	8,428
	49,609

In regard to the first of these works, it may be observed that the Government of India have no wish to discourage such a project, but merely to defer the appropriation of funds until after the estimate shall have been approved. A transfer to the extent necessary may then be made from the grants for Minor Works, or from items No. 13 or 21, as may be found convenient.

Item No. 23 is not objected to, but being a Minor Work should not be specially entered in the Budget.

REPAIRS.

16. The grant for this head of service has been increased from Rs. 46,681 in 1864-65 to Rs. 72,003 in 1865-66. The Superintending Engineer represents that this augmentation is necessary for repairs to Military buildings at Neemuch, which are only of a semi-permanent character, and consequently require increased funds year by year for their maintenance. The grant brought

forward may stand, but the estimates for repairs should be rigidly scrutinised and cut down as low as is consistent with the comfort of the troops, and the proper maintenance of the public buildings.

17. The distribution over the main heads of service of the grant assigned under the foregoing orders will be as follows:—

	Original Works.			Repairs.	Total.
	Major Works.	Minor Works.	Total.		
	Rs.	Rs.	Rs.	Rs.	Rs.
Military	2,21,578	32,251	2,53,829	61,171	3,15,000
Civil Buildings	65,265	6,013	71,278	6,101	77,379
Communications	71,648	17,255	88,903	4,731	93,634
	3,58,491	55,519	4,14,010	72,003	4,86,013
Establishment	....	.....	.....	.....	72,977
Tools and Plant	.....	.....	....	.....	3,510
Total					5,62,500

FORT WILLIAM, 11th *April*, 1865.

C. H. DICKENS, *Lieut. Col.*, R. A., *Secy. to Govt. of India, P. W. Dept.*

18. In the transmitting letter of the Budget Estimate, the Governor General's Agent alludes to a sum of Rs. 35,018 having accumulated from the one per cent. Income Tax allotment for the Ajmere and Mhairwarra Districts, which sum it is intended to lay out in the construction of District Roads. It is requested that explanation may be furnished of the authority under which an allotment has been made from the funds alluded to on account of these Districts.

19. The main part of the Budget Estimate has not been quite correctly framed, as the anticipated expenditure from other than imperial funds, amounting to Rs. 2,400, has been exhibited in page 1 with the State assignment for establishment; a reference to the pattern form supplied would have shown that only the net imperial funds should have been entered in that place.

C. H. DICKENS, *Lieut. Col.*, R. E., *Secy. to Govt. of India.*

FORT WILLIAM, 11th *April* 1865.

CENTRAL INDIA BUDGET ORDERS, 1865-66.

This Budget Estimate has been submitted more than a month after it was due, and then only in manuscript. This is, no doubt, some measure due to the date at which orders were issued on the military grant, and to the recent transfer of military stations from Bombay; but the Governor General's Agent is requested in future to arrange for the transmission of the Budget Estimate at the prescribed date, as want of punctuality in this respect is productive of inconvenience.

2. The Public Works grant assigned to Rajpootana and Central India for 1865-66 was Rs. 13,25,000. This sum, in the absence of instructions as to the apportionment of the grant, has been divided by the local authorities equally between the two Agencies, and the present Budget Estimate has been framed on this basis.

3. Of the 6½ lakhs allotted for Military works to the Rajpootana Circle, 3¼ lakhs should have been appropriated for this purpose in the Central India Budget Estimate, but through a misconception Rs. 57,633 of the Military part of the allotment has been diverted to meet a part of the charges for Establishments and Tools and Plant, leaving only Rs. 2,67,367 for Military works. This mistake might have been avoided by attention to the instructions contained in Public Works Department Circular No. 2 of 1865, para. 20 of which stated specially that the assignment for Military works was not available for other purposes, and that the charges for establishment would be a separate item in the estimate. Estimate must, therefore, be now altered in pursuance of those instructions, the Military works grant being increased to make up the full amount of the 3½ lakhs assigned, and a corresponding reduction being made in the grant for Civil Buildings and Communications as will be indicated further on.

4. Having regard to the necessity which exists of providing funds for the rapid progress and early progress of certain lines of communication in the Central India Agency, the Governor General in Council has been pleased to increase the Public Works grant assigned to it by a transfer Rs. 1,00,000 from the allotment for Rajpootana, thus raising the total grant to be dealt with under these orders to Rs. 7,62,500.

ORIGINAL WORKS.

MILITARY.

5. *Item No.* 4. *Levelling ground in the vicinity of the European Cavalry Barracks, Mhow, Rs.* 2,500. This must be struck out, being a Minor Work to be met from the grant for that head of service. The amount is added to the grant for Minor Works, Military, which is increased from Rs. 30,061 to Rs. 32,561.

6. The Governor General's Agent having in his letter No. 160 G, dated 14th March 1865, intimated the manner in which any increased grant for Military works could be applied, the Governor General in Council, acting on that representation, is pleased to appropriate the amount added in para. 3 of these orders to the grant for Military works in the following manner:—

No. of item in Budget Estimate.	Works.	Grant 1865-66.		
		As entered in Budget Estimate.	Additional appropriation.	Total.
		Rs.	Rs.	Rs.
6	Artillery Barracks and Subsidiary Buildings, Mhow,	56,000	20,500	76,500
7	Quarters for 4 first class Staff Sergeants of Cavalry, Mhow	10,000	4,000	14,000
8	Hospital for European Cavalry, Mhow ...	30,000	20,500	50,500
9	Solitary Cells for Garrison, Mhow	8,212	5,000	13,212
	Minor Works, Military	32,561	7,633	40,194
	Total ...	1,36,773	57,633	1,94,406

7. It is of course to be understood that no expenditure is to be incurred on the above works until the estimates for them, which appear to be under revision, are sanctioned by competent authority.

CIVIL BUILDINGS.

7. *Item No.* 15. *Protestant Church, Mhow, Rs.* 15,000.—The estimate for this work is awaited, pending sanction to which no expenditure should be incurred on the building.

The grant for this work has been taken as forming a portion of the fixed assignment for Military buildings, on the ground that the church is strictly a Military requirement, though by the Budget nomenclature it has to be classed under Civil Buildings. This proceeding is approved.

9. *Items Nos.* 16 *to* 19. *Jails at Indore, Augur, Gwalior, and Nowgong, aggregating* Rs. 45,000.—The grant for these works is disallowed, in order to cover a portion of the sum of Rs. 57,633, added to the grant for Military Works, according to para. 3 of these orders.

COMMUNICATIONS.

10. The grant under this head of service is increased by a transfer of Rs. 1,00,000 from the Budget assignment for Rajpootana. The grant thus added is to be applied to the Agra and Bombay Road, Mhow and Nusseerabad Road, and the Simrole Ghat and adjacent works, in such proportions as the Governor General's Agent may think proper. An early report should be furnished showing the manner in which it is proposed to apply this grant.

11. The following items are disallowed for the reasons specified in para. 9 of these orders:—

		Rs.
Item No. 33	—Survey expenses, 1st Division, Mhow and Nusseerabad Road	2,000
„ 36	—New Staging Bungalow, Mundissur ...	5,000
		7,000

The above item No. 33 may be met from the grant for Minor Works, Communications.

12. For the reasons mentioned in para. 9. of these orders, the grant for Minor Works, Communications, is reduced from Rs. 18,350 to Rs. 12,717.

13. It has to be observed that very many of the projects brought forward in this Budget are not supported by sanctioned estimates, which should be obtained and submitted at once, and it should be distinctly understood that the grants passed under these orders do not convey sanction to incur any expenditure on works unless properly authorised by competent authority.

REPAIRS.

14. Explanation is requested as to the circumstances rendering necessary such a large outlay as Rs. 5,500 in repairs to Cantonment roads, bridges, and wells in Mhow, as the usual allowance from Imperial funds for such repairs in large Military stations is only Rs. 2,400.

ESTABLISHMENTS.

15. The charges under this head have increased from Rs. 93,588 in 1864-65 to Rs. 1,15,321 in 1865-66, being about 16·3 per cent. of the total grant. The assignment brought forward is passed, with the remark that explanation should be furnished of the cause of the difference in the estimated numbers of the various classes of establishment for 1865-66 as compared with 1864-65.

16. The grants passed under these orders will be as follows :—

	Original Works.			Repairs.	Total.
	Major Works.	Minor Works.	Total.		
	Rs.	Rs.	Rs.	Rs.	Rs.
Military...	2,46,666	40,194	2,86,860	23,140	3,10,000
Civil Buildings	23,737	5,373	29,110	7,856	36,966
Communications	2,06,980	12,717	2,19,697	71,793	2,91,490
	4,77,383	58,284	5,35,667	1,02,789	6,38,456
Establishments					1,15,321
Tools and Plant					8,723
Total ...					7,62,500

FORT WILLIAM,
11*th April* 1865.

C. H. DICKENS, *Lieut. Col.*, R. A.,
Secy. to Govt. of India, P. W. Dept.

COORG BUDGET ORDERS, 1865-66.

The Public Works Grant assigned to Coorg for the year 1865-66 was one lakh, for which sum the Budget Estimate is framed.

2. The grants brought forward under the heading Original Works and Repairs call for no special remark, and are passed in full.

ESTABLISHMENT.

3. The charges under this head show an increase from Rs. 14,086 in 1864-65, to Rs. 21,500 in 1865-66, or more than 20 per cent. of the total grant exclusive of the share of Direction and Account.

There are 10 subordinates to look after 11 new works, and 10 clerks at various rates of pay for 11 Disbursing Officers. This number of subordinates and clerks seems to be large, and endeavours should be made, if possible, to reduce them.

5. Further, the amount provided for travelling allowance, Rs. 4,180, appears to call for reduction as being much higher than it should be.

6. A diminution of the charges under Establishment will be looked for, and proposals may be submitted to the Government of India for applying the amount thus reduced to augmenting the grant for repairs on account of the ghât Roads, which are stated to be insufficiently provided for.

TOOLS AND PLANT.

7. The sum of Rs. 300, brought forward under this head for Office furniture and camp equipage, seems high for an Assistant Engineer's Office. Explanation should be furnished on this point.

8. The distribution of the grant over the various heads of service as sanctioned, subject to the foregoing remarks, will be as follows :—

	Original Works.			Repairs.	Grand Total.
	Major Works.	Minor Works.	Total.		
	Rs.	Rs.	Rs.	Rs.	Rs.
Civil Buildings	—	1,500	1,500	1,000	2,500
Communications	48,650	8,500	57,150	16,850	74,000
	48,650	10,000	58,650	17,850	76,500
Establishment					21,500
Tools and Plant					2,000
Total ...					1,00,000

FORT WILLIAM,
31*st March* 1865.

C. H. DICKENS, *Lieut. Col.*, R. A.,
Secy. to Govt. of India, P. W. Dept.

MYSORE BUDGET ORDERS, 1865-66.

The Budget Estimate, though ordered to be submitted on the 1st February, was not received by the Government of India until the 8th March current, and then only in manuscript, and without any explanation as to the cause of this great delay. His Excellency the Governor General in Council trusts that the Commissioner will, in future, be very particular in complying with the strict rules which have been laid down for the punctual submission of Budget Estimates.

	Rs.
* Original Works ...	8,80,368
Repairs	4,47,000
Establishment ..	3,62,632
Tools and Plant ...	10,000
Total ...	17,00,000

2. The estimate amounts to 17 lakhs,* of which two lakhs are chargeable to separate funds as follows:—

	Rs.
Hurrihur Bridge	1,50,000
Bangalore Petta Drainage ...	20,000
School Houses	30,000
Total ...	2,00,000

The two first items are to be debited to the Mysore Deposit Fund, and the third has been provided for in the Educational Budget. But under these circumstances the items ought not to have been entered in the body of the estimate at page 3, but the addition to the grant, the net amount of which is 15 lakhs, should have been noted at foot of that page, as has been clearly explained in the forms of estimate supplied for guidance. As regards the third item, if it is included in the Educational Budget Estimate, it ought not to be entered in the Public Works Estimate. Which of the two the item properly belongs to, depends on whether the execution of the work has to be undertaken by the Educational or the Public Works Department.

3. The amount of the imperial estimate is thus reduced to 15 lakhs, but from the 3rd paragraph of the Commissioner's letter is appears that the amount available for expenditure on Public Works, in 1865-66, is 14 lakhs only, which it is expected will be sufficient, as the Chief Engineer anticipates that the actual outlay will fall short of the estimate by at least 10 per cent. This, however, is not a regular way of dealing with the subject; the estimate should have been framed for the sum which it is intended to spend, and the deficiency will now either have to be made good by the transfer of an additional lakh from the deposit fund, or reductions must be proposed to that extent in the estimate. Therefore, as the estimate now stands, the orders on it must be necessarily inconclusive.

4. From the remarks contained in paras. 3 and 5 of the Commissioner's letter, it would appear that the School Houses are provided for in the Educational Budget. With regard to what is said above as to the Educational Budget Estimate, it may here be observed that the total amount of the proposed outlay on School Houses is Rs. 33,886, not Rs. 30,000 only, as is stated in the forwarding letter.

5. In reference to the estimate for establishment, which exceeds that of the previous year by Rs. 76,164, the Commissioner, in the 7th para. of his letter, remarks that the charge under this head is immense, and expresses his belief that a considerable reduction might be effected. This being the case, it is not understood why the charge was not reduced before being submitted for sanction, and why the Commissioner submits an estimate of which he appears himself not to approve; for it should be borne in mind that the Budget Estimate is the estimate of the Local Administration and not of the Chief Engineer, as is clearly indicated in Budget rules. The necessary reduction should now be made, which, with reference to para. 3, may stand as an absolute reduction, or a proposal may be submitted for appropriating to works the amount of the reduction. This should be done with reference to the revised scale of establishment for the Public Works Department, Mysore, on which the orders of the Government of India, in the Financial Department, may shortly be expected. The charge for temporary Sub-Overseers appears high. And it is observed that a First Grade Accountant is estimated for, although there is no appointment of that grade sanctioned for Mysore.

	Excess. Rs.
* Direction	2,664
Construction... ...	55,384
Accounts	18,116
Total ...	76,164

7. Explanation is also required as to the difference, Rs. 8,580, between the estimated charges for the establishment of the Controller's Office for the two years 1864-65 and 1865-66, the numerical strength of the Office being apparently the same in both years.

8. With reference to the concluding remarks of the Commissioner's letter, in which he deprecates the employment of European Subordinates in the detached and unhealthy parts of the country, and recommends, as preferable, the employment of Native Agency for such localities, the Government of India is quite prepared to sanction the employment of Native Agency instead of European Subordinates, if the Commissioner will put forward a definitive proposal for giving effect to his recommendation. It has, however, to be observed, that the existing Staff of European Subordinates has reached its present strength on recommendation made by the Commissioner himself, and that even now a proposition made by him for a large increase to this branch of the establishment is before the Government of India.

9. The proposed distribution of the grants, subject to the above orders, will be as follows :—

	Original Works.			Repairs.	Total.
	Major.	Minor.	Total.		
	Rs.	Rs.	Rs.	Rs.	Rs.
Military	10,000	.....	10,000	1,000	11,000
Civil Buildings	1,64,886	37,339	2,02,225	23,000	2,25,225
Agricultural	35,000	6,705	41,705	1,60,000	2,01,705
Communications	3,25,936	91,112	4,17,048	2,61,000	6,78,048
Miscellaneous Public Improvements...	4,600	4,790	9,390	2,000	11,390
	5,40,422	1,39,946	6,80,368	4,47,000	11,27,368
Establishment...	.....	.....	.....	.....	3,62,632
Tools and Plant	.....	.....	.....	.....	10,000
					15,00,000

Local Funds Grants to be disbursed by Public Works Officers.

Civil Buildings	30,000	
Communications	1,50,000	
Miscellaneous Public Improvements	20,000	
		2,00,000
Total		17,00,000

FORT WILLIAM,
The 3rd April 1865.

C. H. DICKENS, *Lieut. Col.*, R. A.,
Secy. to Govt. of India, P. W. Dept.

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No. 24.

The Gazette of India.

Published by Authority.

SIMLA, SATURDAY, JUNE 17, 1865.

HOME DEPARTMENT.

No. 1376.

Simla, the 10th June 1865.

Notifications.—Mr. Frank Macnaghten, Bengal Civil Service, is transferred from the Bengal Division of the Presidency to the North-Western Provinces.

No. 1409.

The 12th June 1865.

Mr. H. Read, Officiating Deputy Commissioner of Dumoh in the Central Provinces, is invested with the powers described in Section 1 of Act XV. of 1862.

No. 1433.

The 13th June 1865.

Three months' leave of absence is granted to Mr. G. R. Buttress, Sub-Assistant Revenue Surveyor, 2nd Class, attached to the 1st Division, Oudh, under Section VII. of the old Uncovenanted Service Rules, with effect from the date on which he may avail himself of the same.

No. 1438.

The Governor General in Council is pleased to appoint Lieutenant J. B. Taylor, of the 9th Regiment, Madras Native Infantry, to officiate as an Assistant District Superintendent of Police in the Central Provinces.

No. 1440.

Under the provisions of Section 2 of Regulation I. of 1829, the Governor General in Council is pleased to sanction the transfer of the Jounpore District to the Allahabad Division, and the retransfer of the Goruckpore District, together with the new District of Bustee, to the Benares Division.

No. 1442.

The undermentioned 1st Class Native Doctors are placed at the disposal of the Chief Commissioner of the Central Provinces, *viz.*:—

Ausgur Ally,
Suarood Deen, and
Moolchund.

No. 1446.

The 14th June 1865.

The following letter is published for general information:—

No. 1587.

To THE ADJUTANT GENERAL.

Military Department. FORT WILLIAM,
The 30th March 1865.

SIR,—With regard to your letter No. 860E., dated 25th August last, I am directed to acquaint you, for the information of His Excellency the Commander-in-Chief, that the Right Honorable the Secretary of State for India has, in para. 12 of his Military letter No. 41, dated 17th February 1865, intimated that there appears to be no objection to the alteration in the spelling of the name of Assistant Surgeon Plank in the manner desired by that Officer (Planck), and that the change may be noted in the official records.

I am, &c,
(Signed) H. K. BURNE, *Lt.-Col.*,
Dy. Secy. to the Govt. of India.

No. 1477.

Lieutenant R. M. B. Thomas, Assistant Commissioner, Jubbulpore, to officiate as Judge of Small Cause Court at Jubbulpore, during Mr. Macnaghten's absence.

No. 1480.

The Governor General in Council is pleased to permit the Revd. J. C. Herdman, Senior Chaplain of the Church of Scotland on the Bengal Establishment, to resign the service from the date of departure of the first Mail Steamer of August next.

No. 1516.

Mr. Edward Loftie, Assistant Revenue Surveyor, 3rd Class, Left Bank Indus Scinde Survey, is allowed privilege leave of absence from the 25th of April to the 31st of May 1865, both dates inclusive.

No. 1518.

The Governor General in Council is pleased to extend the provisions of Act V. of 1861 to the tract of Bijairagogurh, situated in the Jubbulpore District of the Central Provinces.

No. 1519.

The services of Lieutenant T. A. Scott, District Superintendent of Police, Nimar, are placed at the disposal of the Foreign Department.

No. 1520.

Captain H. V. Mathias, Bengal Staff Corps, late District Superintendent of Police at Nagode, is appointed to be District Superintendent of Police in the Central Provinces, *vice* Lieutenant Scott.

No. 1522.

The 15*th June* 1865.

Captain B. R. Branfill, 2nd Assistant, Great Trigonometrical Survey, to be 1st Assistant, with effect from the 1st instant, until further orders.

No. 1524.

The following "Notice" is published for general information :—

NOTICE.

In consequence of several groups of Rocks having been lately discovered in Sillavatorre Bay, to the South-Westward of the village of Sillavatorre, with from two to six feet water over them, the positions of which have not been accurately fixed as yet, vessels bound to that Port from the Southward, are recommended to stand in for Kallar when bearing East until the Doric bears North; they may then stand to the Northward, bringing the Doric to bear North half-West when abreast of Condatchey.

(Signed) JAMES DONNAN,
Master Attendant.

MASTER ATTENDANT'S OFFICE;
Colombo, the 1*st April* 1865.

No. 1531.

The Governor General in Council is pleased to extend Act XVIII. of 1864, as amended by Act XXII. of 1865, to the City and Cantonments of Fyzabad and the Town of Adjoodhya in the Province of Oudh. The Municipal Committee shall consist of twelve members, of whom the persons for the time being filling the undermentioned offices shall be ex-officio members, *viz.* :—

Commissioner of Fyzabad ...	President.
Deputy Commissioner of ditto ...	Vice-President.
Civil Surgeon of ditto	Member and Secretary.
Executive Engineer of ditto ...	Member.

No. 1533.

Lieutenant H. Martin, 26th Bombay Native Infantry, is appointed to officiate, temporarily, as Assistant District Superintendent of Police in Baitool in the Central Provinces.

E. C. BAYLEY,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

No. 261.

REVENUE.

The 14*th June* 1865.

Notification.—Mr. A. M. Russell, Assistant Settlement Officer, Dumoh, and in charge of the Nursingpore Settlement, Central Provinces, is appointed to officiate as Settlement Officer of Hoshungabad, in addition to his own duties as Assistant Settlement Officer in charge of the Nursingpore Settlement.

Mr. H. Read, Officiating Deputy Commissioner of Dumoh, will take charge of the Dumoh Settlement, in addition to his own duties.

No. 355.

FINANCE.

The 13*th June* 1865.

Notification.—With reference to G. O. No. 1745, dated 18th December 1863, the following Revised List of Extra Assistant Commissioners, 3rd Grade, in the Tenasserim Division of British Burmah, is sanctioned by the Governor General in Council, with effect from the 1st May 1865 :—

On Rs. 130 *per mensem.*

Moung Shoay Aye.

On Rs. 125 *per mensem.*

Moung Shoay Ngong.

On Rs. 120 *per mensem.*

Moung Shoay Moung.
Moung Shoay Att.
Moung Gon Ban.
Moung pai Hlaw.

On Rs. 110 *per mensem.*

Moung Taw.

On Rs. 100 *per mensem.*

Moung Doot.
Moung Shive Bwen.
Moung Hmat.
Moung Kya Ngyo.
Moung Shoay Hlaw.
Moung Gan.
Moung Win.
Moung Kyait.
Moung Tsee.
Moung Wet Galay.

On Rs. 90 *per mensem.*

Moung Shive Go.
Moung Ee.

On Rs. 80 *per mensem.*

Moung Shoay Go.

On Rs. 70 *per mensem.*

Moung Toon Oung.

On Rs. 60 *per mensem.*

Moung Tsein Ngye.

No. 235.

MILITARY.

The 13*th June* 1865.

Notification.—The Governor General in Council is pleased to confirm the following extract from

Brigade Orders issued by the Officer Commanding Central India Horse, under dated the 22nd May 1865:—

Lieutenant A. J. Bannerman, 3rd Squadron Officer, 2nd Corps, to officiate as 2nd Squadron Officer, 1st Corps (full vacancy).

Lieutenant C. B. Horsburgh, Doing-duty Officer, 2nd Corps, to officiate as 3rd Squadron Officer (full vacancy) in that Corps.

Lieutenant E. E. Gibson, Doing-duty Officer, 1st Corps, to officiate as 3rd Squadron Officer (full vacancy) in that Corps.

No. 488.

POLITICAL.

The 10th June 1865.

Notifications.—His Excellency the Viceroy and Governor General in Council is pleased to recognize the appointment of Mr. Edward John Leveson as Consul for His Majesty the King of Italy, at Singapore.

No. 491.

His Excellency the Viceroy and Governor General in Council is pleased to recognize the appointment of Messrs. Ernst Pandorf and Johann Heinrich Bandow as Consuls for Bremen, at Akyab and Bassein, respectively, in British Burmah.

No. 1250.

GENERAL.

The 10th June 1865.

Notifications.—Mr. W. Glynn, Deputy Commissioner of Oonao in Oudh, is granted one month's leave of absence, under para. 16 of the new Uncovenanted Service Absentee Rules, from the 10th instant, or from the subsequent date on which he may avail himself it.

No. 1252.

Lieutenant A. H. Eckford, Assistant Commissioner of Sultanpore in Oudh, has obtained three months' leave of absence, under the rules applicable to Military Officers in Civil employ, in extension of the privilege leave granted to him in G. O. No. 853, dated 12th April last.

No. 1254.

Lieutenant J. A. Scott, District Superintendent of Police in the Central Provinces, is appointed to be an Assistant Commissioner of the 2nd Class, *vice* Captain Bolton, resigned.

No. 1257.

Major J. P. Nixon made over temporary charge of the Joudpore Political Agency to Lieutenant W. J. W. Muir, Assistant to the Governor General's Agent at Rajpootana, on the forenoon of the 24th April 1865.

No. 1268.

The 12th June 1865.

The furlough to Europe for one year, granted to Mr. J. Kavanagh, Assistant Superintendent of Survey and Settlement in Oudh, in G. O. No. 961, dated 4th ultimo, will date from the departure of the first P. and O. Company's Steamer in June, instead of the second Steamer in May 1865.

Mr. Kavanagh availed himself of the preparatory leave granted to him on the afternoon of the 22nd May, making over charge of his Office to Extra Assistant Rai Guneshi Lal. Mr. K. M. Nicholson, appointed to officiate as Assistant Superintendent of Survey and Settlement, assumed charge of the Office from Rai Guneshi Lal, on the forenoon of the 23rd May.

No. 1270.

Surgeon J. M. Lownds, in medical charge of the Rajpootana Agency, returned to his duty on the 23rd April 1865, from the leave granted him in G. O. No. 953, dated 4th ultimo.

No. 1272.

Mr. W. DeCourcy Ireland, Officiating Deputy Commissioner, 4th Grade, British Burmah, assumed charge of the District and Treasury of Myanoung, from Captain H. Browne, on the forenoon of the 29th April 1865.

Captain H. Browne, Deputy Commissioner, 3rd Grade, assumed charge of the Deputy Commissioner's Office at Rangoon, from Major G. Faithfull, on the forenoon of the 6th May.

Mr. G. E. Barr, Assistant Commissioner, 3rd Grade, relieved Lieutenant-Colonel D. Browne, Officiating Deputy Commissioner, 1st Grade, at Amherst, of the current duties of his Office and Treasury on the afternoon of the 4th May.

Major G. Faithfull, Deputy Commissioner, 1st Grade, received charge of the Deputy Commissioner's Office, and Treasury, Amherst District, from Mr. G. E. Barr, on the afternoon of the 9th May.

No. 1274.

First Class Native Doctor Behary Sing, appointed in G. O. No. 574, dated 13th March, to the medical charge of the Political Agency at Munnipore, assumed charge of the his duties on the 6th of May.

No. 1287.

The 13th June 1865.

Baboo Bhugwunt Mahuntee, appointed in G. O. No. 1560, dated 13th December 1864, to be Deputy Collector of Settlement (on probation) in the Sumbulpore District, Central Provinces relieved of his employment in the Sumbulpore Settlement, from the 1st July 1865.

No. 1289.

With reference to G. O. No. 1141, dated 25th May, Mr. F. O. Mayne received charge of the Fyzabad Division in Oudh, from Mr. Carnegy, on the forenoon of the 19th April 1865, from which date he officiated as Commissioner of that Division, till the 25th idem.

Mr. H. S. Reid received charge of the Baiswarra Division, from Mr. F. O. Mayne, on the forenoon of the 13th April 1865, from which date he officiated as Commissioner of that Division, till the 25th idem.

No. 1291.

Major T. M. McHutchin, Deputy Superintendent, Mysore District, returned to his duty, on the 15th of May, from the two months' privilege leave of absence granted to him in G. O. No. 580, dated 13th March.

No. 1293.

Pundit Suroop Narian, Dewan of the Office of the Agent to the Governor General for Central India, is appointed to officiate as Native Assistant to the Agent to the Governor General, during the employment of the permanent incumbent Mir Shahamut Ali, as Superintendent of Rutlam.

No. 1295.

Moung Tay, Extra Assistant Commissioner, 3rd Grade, British Burmah, has obtained privilege leave of absence from the 31st March to the 30th April 1865, making over charge of the current duties of his Office to the Court Writer, Moung Doolah.

A. COLVIN,

Offg. Under-Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

No. 809.

Simla, the 14th June 1865.

Notification.—In continuation of Notification No. 529, dated the 30th ultimo, the following Statement of Cash Balances, as reported up to this date in the Government Treasuries in India, at the close of the month of March last, contrasted with that of the previous years, is published for general information :—

According to the present limits of the several Governments.	March 1863.	March 1864.	March 1865.
	Rupees.	*Rupees.*	*Rupees.*
Govt. of India ...	4,40,67,617	2,58,84,876	1,22,79,877
Bengal ... } British Burmah }	2,35,05,766	2,57,51,871	{ 2,34,03,738 31,27,847
N. W. Provinces including Oudh..	2,85,87,760	2,41,08,424	2,24,89,080
Punjab ...	1,20,29,640	1,10,08,772	1,38,84,108
Bombay ...	3,38,91,292	1,91,51,709	2,04,22,786
Central Provinces..	42,95,036	34,81,492	40,41,105
Deccan	36,57,482	43,13,397	38,11,831
Madras ...	3,50,06,792	3,30,88,281	2,30,26,915
Total Rupees ..	18,50,41,385	14,67,88,822	12,64,87,287

No. 810.

The 14th June 1865.

Notification.—Statement of the amount of Government Currency Notes in circulation, of the amount of Coin and Bullion reserve, and Government Securities held by the Department of Issue of Paper Currency :—

Date of Returns.	Circles of Issue.	Notes in circulation.	Silver Coin reserve.	Gold Coin reserve.	Silver Bullion reserve.	Government Securities held in Calcutta.	Notes of other Circles.
1865.		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
June 3rd .	Calcutta Circle	2,90,93,230	39,54,616	20,03,420	50,00,000	1,54,69,864	26,65,330
Ditto ..	Allahabad Branch Circle	19,98,230	8,94,261	755	.....	11,03,214	
Ditto ..	Lahore ditto ditto	25,50,850	18,50,872	.....	.....	6,99,978	
Ditto ...	Nagpore ditto ditto	36,96,570	33,46,643	.....	.....	5,47,861	
Ditto ...	Madras Circle	58,00,000	26,97,155	.....	.....	30,02,845	1,00,000
Ditto ...	Calicut Branch Circle	4,03,290	3,03,290	.....	.....	1,00,000	
Ditto ...	Trichinopoly ditto ditto	3,86,300	2,86,300	.....	.....	1,00,000	
Ditto ..	Vizagapatam ditto ditto	2,83,040	1,83,040	.....	.....	1,00,000	
Ditto ...	Bombay Circle	3,31,00,000	1,05,71,801	.....	22,00,000	1,86,78,199	
	Kurrachee Branch Circle... ..	.....	.....	.....	.....	.....	{ Opened on 1st June 1865.
		7,73,11,510	2,40,87,978	20,04,175	72,00,000	3,98,01,961	27,65,330
	DEDUCT— Notes of other Circles cashed at Calcutta and Madras ...	27,65,330					
	Total	7,45,46,180	2,40,87,978	90,04,175	72,00,000	3,98,01,961	

CALCUTTA;
DEPT. OF ISSUE OF PAPER CURRENCY,
The 6th June 1865.

(Signed) H. HYDE,
Head Commissioner,
Dept. of Issue of Paper Currency.

No. 836.

The 15th June 1865.

Notification.—In continuation of the Notification No. 2757, dated the 3rd October 1864, issued from this Department, the following Statement, shewing the financial position of the several Guaranteed Railway Companies, quoad the Government, is published for general information :—

State of the Capital Accounts of the Indian Railway Companies on the 31st October 1864.

	Amounts authorized to be raised.			Amounts paid by the Railway Companies.					Amount withdrawn by the Railway Companies.			Balance standing to the credit of the Railway Companies.	Amount advanced to the Railway Companies in excess of the amount to their credit.
	Capital.	Debenture Loans.	Total.	Capital subscribed in England.	Capital subscribed in India.	Total Capital.	Debenture Loans.	Total.	In England.	In India.	Total.		
	£	£	£	£	£	£	£	£	£	£	£	£	£
East India:													
Main Line Capital	17,957,481	4,792,519	22,750,000	15,542,582	272,231	15,814,813	4,581,019	20,395,832	6,711,789	14,757,833	21,469,622	107,631	
Jubbulpore Capital	2,000,000	... ...	2,000,000	1,952,165	7,665	1,959,830	.. ...	1,959,830	137,512	640,897	778,409		
Madras:													
Main Line Capital	3,702,000	1,298,000	5,000,000	3,480,528	.....	3,480,528	1,297,400	4,777,928	2,694,124	3,532,273	6,226,397	374,086	
Bellary Capital	3,000,000	... ...	3,000,000	2,519,956	.....	2,519,956	... ...	2,519,956	... ...	697,401	697,401		
Great Indian Peninsula	11,000,000	3,000,000	14,000,000	9,487,115	415,216	9,902,331	2,320,100	12,222,431	4,136,294	7,430,267	11,566,561	655,870	
Sind:													
Sind Railway Capital	1,610,500	389,500	2,000,000	1,567,115	21,395	1,588,510	389,500	1,978,010	791,425	1,128,285	1,919,710	58,300	
Indus Flotilla Capital	295,100	82,900	378,000	250,005	.....	250,005	82,900	332,905	233,776	104,077	337,853	... ...	4,948
Punjab:													
Mooltan Capital	1,500,000	500,000	2,000,000	1,465,813	8,344	1,474,157	500,000	1,974,157	950,633	1,082,625	2,033,258	... ...	59,101
Delhi Capital	2,500,000	... ...	2,500,000	1,042,187	4,995	1,047,182	... ...	1,047,182	4,904	63,721	68,625	978,557	
Bombay, Baroda, and Central India ...	4,150,000	1,350,000	5,500,000	3,904,289	21,662	3,925,951	921,890	4,847,841	2,049,023	3,091,051	5,140,074	... ...	292,233
Eastern Bengal	1,000,000	600,000	1,600,000	990,745	9,504	1,000,249	400,000	1,400,249	740,171	811,499	1,551,670	... ..	151,421
Calcutta and South-Eastern	310,000	190,000	500,000	290,377	19,623	310,000	90,000	400,000	190,433	268,503	458,936	... ...	58,936
Great Southern of India	862,900	302,700	1,165,600	630,279	1,221	631,500	253,000	884,500	360,191	377,703	737,894	146,606	
Total ...	49,887,981	12,505,619	62,393,600	43,123,156	781,856	43,905,012	10,835,809	54,740,821	19,000,275	33,986,135	52,986,410	2,321,050	566,639

Net Balance standing to the credit of the Railway Companies ... £1,754,411.

No. 832.

The 15th June 1865.

Notification.—The following Statement of the Silver received and coined in the Mints of Calcutta, Madras, and Bombay, in April 1865, is published for general information :—

	Calcutta.			Madras.			Bombay.		
	Bullion or Coin received during the month, valued in Rupees.		Coined and examined during the month, valued in Rupees.	Bullion or Coin received during the month, valued in Rupees.		Coined and examined during the month, valued in Rupees.	Bullion or Coin received during the month, valued in Rupees.		Coined and examined during the month, valued in Rupees.
	Govt.	Merchants.		Govt.	Merchants.		Govt.	Merchants.	
In April 1865	15,23,980	30,11,484	39,58,983	2,615	1,10,435	2,13,500	...	15,03,311	3,03,735

No. 831.

The 15th June 1865.

Notification.—In continuation of Notification No. 809, dated the 14th instant, the following Statement of Cash Balances, as reported up to this date in the Government Treasuries in India, at the close of the month of April last, contrasted with that of the previous years, is published for general information :—

According to the present limits of the several Governments.	April 1863.	April 1864.	April 1865.
	Rs.	Rs.	Rs.
Govt. of India ...	4,44,60,450	2,11,72,980	1,68,23,826
Bengal	1,65,55,480	1,46,86,300	1,69,83,481
British Burmah ...	39,92,770	39,35,750	37,50,018
N. W. Provinces ...	2,42,36,210	1,64,52,700	1,95,56,644
Oudh	31,46,980	31,21,780	32,82,922
Punjab	89,32,910	76,39,290	1,19,90,945
Bombay ...	3,13,03,240	1,92,99,000	2,31,22,955
Central Provinces..	48,01,770	40,90,870	28,48,201
Deccan	38,42,020	41,11,150	39,83,808
Madras	3,74,49,350	3,18,10,300	2,39,31,701
Total ...	17,87,21,180	12,63,20,120	12,72,74,501

Published by Order of the Governor General in Council,

E. H. Lushington,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 12th June 1865.

No. 581 *of* 1865.—With reference to the Notification from the Home Department, No. 1211 of the 6th instant, the services of Lieutenant J. Ketchen, of the General List, Bombay Infantry, are, at his own request, replaced at the disposal of the Government of Bombay.

No. 582 *of* 1865.—His Excellency the Governor General in Council is pleased to admit Sepoy Ahmed Ali, of the 39th (The Allyghur) Regiment, Native Infantry, to the 3rd Class of the Order of Merit, in consideration of his conspicuous gallantry in action with a body of Munneepooree rebels on the 7th February 1865.

No. 583 *of* 1865.—In continuation of G. G. O. No. 23, dated 6th instant, the following errata and additional rules are published for information and guidance :—

2. In the list of articles allowed in *Tea Diet*, for "Sugar 2¼ oz.," read "Sugar 3 oz.;" to those in *Low Milk Diet* add "Salt 6 drs.," and in *Low Diet* for "Salt 5 drs.," read "Salt 6 drs."

3. In the second line of the Dinner in *Half Diet*, for "Meat roasted or fried 10 oz.," read "*or* Meat roasted or fried 10 oz.;" and in the Dinner in *Full Diet* for "Meat 12 oz.," read "*or* Meat 12 oz."

4. In addition to the Drinks sanctioned in Spoon, Tea, and Milk Diets, others, as Barley-water, Rice-water, and Lemonade, may be ordered in any diet, in such quantity as the prescribing Surgeon may see fit, without necessitating the use of an extra Diet Sheet. They are to be accounted for by the Surgeon initialling the expenditure daily in the Abstract of Diet Roll Form No. 5,—three of the spare columns of which should be headed, respectively, "Barley-water," "Rice-water," and "Lemonade."

N. B.—On the aggregate of such fluids, Barley and Rice will be allowed for the two former, at the rate of 2 oz. for every 5 pints, and Sugar in like proportion; while for Lemonade, one large lemon, or an equivalent proportion of the smaller kind, will be sanctioned for 2 pints, and 1½ oz. of Sugar.

5. A further spare column in the Abstract of Diet Rolls is to be appropriated for Eggs, which may be prescribed in addition to any of the diets, in such numbers as the Surgeon in charge may deem necessary,—he merely initialling the expenditure in the daily Abstract, as in the case of the drinks above-mentioned.

6. It is to be understood that, in all diets containing meat, the quantities stated are meant to be *exclusive* of bone; and that, as regards the dietary generally, where no change is intimated, the rules published in G. G. O. No. 972 of 1862, are to be considered as still in force.

No. 584 *of* 1865.—The undermentioned Officer having completed twenty years' service, six years of which were on permanent staff employ, to be Major from the date specified opposite to his name, under the Royal Warrant of the 16th January 1861, subject to Her Majesty's approval :—

Bengal Staff Corps.

Captain, Brevet Major, E. H. C. Wintle, 30th December 1864.

The 13th June 1865.

No. 585 *of* 1865.—The services of Captain the Hon'ble J. H. Fraser, of the late 4th European Regiment, are placed at the disposal of the Home Department.

No. 586 *of* 1865.—The undermentioned Officer is permitted to proceed to Europe on private affairs :—

Lieutenant Eric Stanhope Fox, of the Bengal Staff Corps, Wing Officer, 37th Regiment, Native Infantry.	For two years, under the new Regulations.

No. 587 *of* 1865.—The undermentioned Officer is permitted to proceed to Europe, on leave of absence, on sick certificate :—

Captain Alfred Waterfield, of the late 4th European Light Cavalry.	For twenty months, under the new Regulations.

No. 588 *of* 1865.—The undermentioned Officer is permitted to proceed to Europe, on leave of absence, on sick certificate :—

Lieutenant-Colonel Alexander Fraser, of the Royal Engineers, Superintendent of Light Houses.	For twenty months, under the new Regulations

No. 589 *of* 1865.—The following promotions and alterations of rank are made in the Subordinate Medical Department :—

Rank and Names.	Rank to which promoted.	From what date.	In whose room.
Hospital Apprentice H. J. Finnamore	Asst. Apothecary	8th August 1864	Assistant Apothecary J. V. Volkers, deceased.
Assistant Apothecary D. Cunningham	Hospl. Steward	29th Sept. 1864	Hospital Steward W. Hefferan, retired.
Hospital Apprentice C. E. Bradshaw	Asst. Apothecary		
Hospital Apprentice W. Beards..	Ditto	28th Jany. 1865	Assistant Apothecary H. Cant, deceased.
Hospital Steward J. C. Ellis ...	Apothecary	16th March 1865	Senior Apothecary S. Slater, deceased.
Assistant Apothecary J. Maher..	Hospl. Steward		
Hospital Apprentice L. W. Duffy (deceased)	Asst. Apothecary		
Hospital Apprentice R. Johnson .	Ditto	17th March 1865	Assistant Apothecary P. J. Coyne, dismissed.
Ditto J. A. Elliott	Ditto	30th March 1865	Assistant Apothecary G. Knott, dismissed.
Ditto J. Pollock ...	Ditto	9th May 1865 ...	Assistant Apothecary W. Wilkinson, dismissed.
Ditto W. Sims ...	Ditto	18th May 1865...	Assistant Apothecary L. W. Duffy, deceased.

ALTERATIONS.

Rank and Names.	To rank from.	In whose room.
Assistant Apothecary C. Young ...	23rd April 1863 ...	Asst. Apothy. M. Hennessy, dismissed.
Ditto F. W. Ward ...	30th May 1863 ...	Ditto S. S. Hart, promoted.
Ditto W. Biggie ...	1st June 1863 ..	Ditto J. Stephens, ditto.
Ditto H. Crow	8th ditto ..	Ditto J. D. Berkeley, ditto.
Ditto G. A. Hottinger ..	6th July 1863 ..	Ditto H. F. McDonald, ditto.
Ditto J. E. Lovegrove...	9th ditto ...	Ditto D. J. Tresham, ditto.
Ditto T. Rogers ...	31st ditto ..	Ditto M. Monagan, dismissed.
Ditto A. T. Tilbury ..	16th August 1863	Ditto S. Brooke, ditto.
Ditto J. Doherty ...	30th August 1863	Ditto J. F. Mills, promoted.
Ditto T. Evans... ...	14th September 1863	Ditto C. Briscoe, ditto.
Ditto J. Piner	Ditto ...	Ditto S. DeCruz, ditto.
Ditto H. C. Hodgkins...	21st October 1863	Ditto S. Bond, ditto.
Ditto B. J. Harding ...	7th December 1863	Ditto R. G. Philpott, ditto.
Ditto T. Preston ..	3rd February 1864	Ditto A. Lyons, ditto.
Ditto M. Kennedy ...	4th February 1864	Ditto R. Pereira, ditto.
Ditto C. Cordell ...	4th March 1864 ...	Ditto J. M. Courtney, ditto.
Ditto G. Nesbitt ...	12th ditto ...	Ditto C. Peter, dismissed.
Ditto C. Connolly ...	6th May 1864 ...	Ditto T. Price, promoted.
Ditto J. A. S. Ellis ...	26th ditto ...	Ditto T. A. Earle, ditto.
Ditto J. R. Boyle ...	Ditto ...	Ditto T. Keefe, ditto.
Ditto J. Barker ...	Ditto ..	Ditto G. Davis, ditto.
Ditto C. Peter	8th June 1864 ...	Ditto J. G. Numantly, dismissed.
Ditto A. Connolly ...	21st July 1864 ...	Ditto H. Russell, promoted.

N. B.—Their promotions and date of rank, notified in Government General Orders Nos. 789 and 897, dated respectively, 23rd December 1863, and 14th November 1864, are hereby cancelled.

No. 590 *of* 1865.—*Erratum.*—In G. G. O. No. 508 of 1865, authorizing the issue of full and *quarter* rations, respectively, to the widows and orphans of Non-Commissioned Officers and Soldiers on detached staff employ, for the period during which they are entitled to draw subsistence allowance, for "quarter" read *half.*

Order Books to be corrected accordingly.

No. 591 *of* 1865.—The undermentioned Officer has reported his return from England:—

	Date of arrival at Fort William.
Lieutenant David Pringle, of the late 58th Regiment, Native Infantry.	3rd June 1865.

No. 592 *of* 1865.—The following order, issued by the Government of Bombay, is confirmed:—

No. 296, *dated* 23*rd May* 1865. Granting leave of absence to Europe, on medical certificate, to Assistant Surgeon R. Lidderdale, Bengal Medical Establishment.	For twenty months, embarking at Kurrachee.

No. 593 *of* 1865.—The undermentioned Officer is permitted to proceed to Europe, on leave of absence, on sick certificate:—

Lieutenant Laird McDowell, of the General List, Infantry.	For eighteen months, under the new Regulations.

The 14*th June* 1865.

No. 594 *of* 1865.—His Excellency the Governor General in Council is pleased to promote Havildar Heera Sing, of the 1st Punjab Infantry, from the 3rd to the 2nd Class of the Order of Merit, in consideration of his conspicuous gallantry in action at the Umbeyla Pass, on the 15th December 1863.

No. 595 *of* 1865.—The following order by the Resident at Hyderabad, is confirmed:—

No. 76, *dated* 29*th May* 1865.—Confirming the station order issued by the Officer Commanding Hingolee, dated 20th December 1864, directing Assistant Surgeon A. Sanderson, A. M. and M. B., 1st Cavalry, Hyderabad Contingent, to assume medical charge of No. 2, Light Field Horse Battery, Hyderabad Contingent, and details at Hingolee from the 17th December 1864,—the date on which he reported his return from furlough to Europe on medical certificate.

The 15*th June* 1865.

No. 596 *of* 1865.—The following letter from the Right Hon'ble the Secretary of State for India, is published for general information:—

MILITARY. INDIA OFFICE;

No. 162. *London, the* 16*th May* 1865.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,—The undermentioned Officers have been permitted to return to their duty, *viz.*:—

Major G. G. Moxon.
Captain J. L. Watts.

Lieutenant C. St. J. B. Barnett.

Lieutenant C. W. Campbell, to Madras, as A. D. C. to the Commander-in-Chief.

Lieutenant R. H. Dyas.

2. Captain W. Sheffield, of the Bengal Staff Corps, has been permitted to return to his duty on the report of the Medical Board that his health has been restored.

A copy of the Report is forwarded.

3. Lieutenant-General G. Warren has also been permitted to return to India.

4. The undermentioned Officers have been granted extensions of leave for the periods stated, *viz.*:—

Major E. Oakes ...	...	6 Months.
Do. R. T. Leigh ...	...	3 do.
Captain J. Gillespie ...	...	6 do.
Do. A. D. Jennings ...	...	6 do.
Do. M. A. D. Orchard	...	6 do.
Lieutenant W. J. Cochrane	...	6 do.
Do. G. N. Channer ...	...	3 do.
Do. A. Murray ...	...	6 do.
Do. F. W. Macmullen	...	3 do.
Surgeon Major G. E. Givins ...		3 do.
Assistant Surgeon A. Vans Best		6 do.
Do. D. Hood ..		6 do.

I have, &c.,

(Signed) C. WOOD.

No. 597 *of* 1865.—With reference to the Notification issued by the Government of Bengal, dated 6th instant, the services of Lieutenant H. A. Pakenham, of the late 55th Native Infantry, in temporary charge of the Office of Cantonment Magistrate of Dinapore, are replaced at the disposal of His Excellency the Commander-in-Chief, with effect from the 25th ultimo.

No. 598 *of* 1865.—The undermentioned Officer has reported his return from England :—

	Date of arrival at Fort William.
Captain Hamilton Bell Webster, late 4th European Light Cavalry.	3rd June 1865.

No. 599 *of* 1865.—The undermentioned Officer has reported his return from England :—

	Date of arrival at Fort William.
Lieutenant (Brevet Captain) Edmund Yeamans Walcott, of the late 57th Regiment, Native Infantry, Assistant Commissioner, Cossyah and Jynteah Hills.	3rd June 1865.

No. 600 *of* 1865.—The undermentioned out-pensioners of the Royal Hospital at Chelsea having been permitted to reside and draw their stipends in India, payment of pensions is to be made and charged accordingly :—

	Rate of Pension per diem.
Sergeant Farrier William Madgwick, of the Royal Horse Artillery	2*s.* (two shillings) from the date on which he ceases to receive regimental pay.
Private James Magovran, late of Her Majesty's 81st Foot	1*s.* 1*d.* (one shilling and one penny) from the date on which he ceases to receive regimental pay.

No. 601 *of* 1865.—The undermentioned Officers have reported their departure on the dates specified opposite to their respective names :—

Assistant Surgeon W. E. Caird, of the 12th (Kelat-i-Ghilzie) Regiment, Native Infantry, on leave for twenty months, G. G. O. No. 512 of the 25th May 1865.	*Candia*, 30th May 1865.
Major J. Emerson, of the Bengal Staff Corps, Cantonment Magistrate, Dinapore, on leave for twenty months, G. G. O. No. 524 of the 25th May 1865.	
Lieutenant-Colonel (Brevet Colonel) A. Fytche, of the Bengal Staff Corps, Commissioner, Tenasserim Division of British Burmah, on leave for twenty months, G. G. O. No. 516 of the 25th May 1865.	
Veterinary Surgeon J. W. Garrad, of the Bengal Establishment, attached to the Stud Department, on leave for twenty months, G. G. O. No. 423 of the 25th May 1865.	
Lieutenant W. R. M. Holroyd, of the Bengal Staff Corps, Inspector of Schools, Punjab, on leave for twenty months, G. G. O. No. 546 of the 31st May 1865.	
Major E. G. Langmore, of the Bengal Staff Corps, 2nd in Command and Wing Officer, 29th (Punjab) Regiment, Native Infantry, on leave for twenty months, G. G. O. No. 525 of the 25th May 1865.	
Lieutenant J. R. Marett, late 2nd Native Infantry, Officiating Adjutant, 18th Regiment, Native Infantry, on leave for eighteen months, G. G. O. No. 491 of the 17th May 1865.	

Lieutenant C. H. Palmer, of the late 55th Regiment, Native Infantry, on leave for twenty months, G. G. O. No. 521 of the 25th May 1865. Lieutenant C. W. G. Perreau, of the General List, Infantry, on leave for twenty months, G. G. O. No. 523 of the 25th May 1865. Captain H. D. B. Smith, of the Madras Staff Corps, 3rd Class Executive Engineer, Department Public Works, 2nd Road Division, Oudh, on leave for twenty months, G. G. O. No. 474 of the 11th May 1865. Lieutenant-Colonel R. T. Snow, of the Madras Staff Corps, Deputy Commissioner, 1st Class, Central Provinces, on leave for twenty months, G. G. O. No. 547 of the 31st May 1865.	*Candia*, 30th May 1865.
Lieutenant W. M. Story, Doing-duty Officer (Officiating Quarter Master), 43rd Regiment, Native Infantry, on leave for twenty months, G. G. O. No. 513 of the 25th May 1865. Captain W. S. Trevor, Controller and Examiner, Public Works Accounts, Bengal, on leave for twenty months, G. G. O. No. 486 of the 17th May 1865.	*Candia*, 30th May 1865

The 16th June 1865.

No. 602 *of* 1865.—The undermentioned Offic is admitted to the Bengal Staff Corps, with effe from the date specified opposite to his name, sul ject to the confirmation of the Right Hon'ble the Secretary of State for India:—

Lieutenant C. O'L. L. Prendergast, of Her Majesty's 52nd Foot, Assistant Commissioner, Tongoo.	26th January 1864.

No. 603 *of* 1865.—The following promotions and alteration of rank are made in the undermentioned Corps of the Native Army:—

Corps.	Rank and Names.	To what rank promoted.	From what date.	In whose room.
Bengal Sappers and Miners	Jemadar Muckdoom Buksh	Subadar...	6th Dec. 1864	Shekh Soobhan, deceased.
Ditto ...	Havildar Hubeeb Khan	Jemadar...	Ditto ...	Muckdoom Buksh, promoted.
7th Regiment, Bengal Cavalry	Ressaidar Shadul Khan	Ressaldar..	26th April 1865	Thomas Dun, deceased.
Ditto ...	Naib Ressaldar Meer Ahmud Ali	Ressaidar..	Ditto ...	Shadul Khan, promoted.
4th Regiment, N. I.	Jemadar Motee Sing...	Subadar...	1st May 1865	Soorujbulee Sing, invalided.
Ditto ...	Jemadar Bhooreh Khan	Ditto ...	Ditto ...	Shekh Bussawun, invalided.
Ditto ...	Havildar Anundeedeen Bajpie	Jemadar...	Ditto ...	Motee Sing, promoted.
Ditto ...	Havildar Shekh Joomun	Ditto ...	Ditto ...	Bhooreh Khan, promoted.
13th (The Shekawattee,) Regiment, N. I.	Jemadar Peeroo Sing...	Subadar...	1st May 1865	Shaheb Ram, invalided.
Ditto ...	Havildar Balmookund	Jemadar...	Ditto ...	Peeroo Sing, promoted.

Alteration of rank with reference to G. G. Orders Nos. 248 *and* 416, *dated* 22*nd March and* 13*th May* 1864.

Corps.	Rank and Names.	To rank from.	In whose room.
7th Bengal Cavalry	Jemadar Golam Ally Jan...	11th Nov. 1863	Mahomed Hoosein Khan, appointed Woordie Major.
Ditto ...	Jemadar Asgur Ally ...	9th Dec. 1863 ...	Kan Sing, invalided.
Ditto	Jemadar Noor Khan ...	Ditto ...	Jodh Sing, invalided.

H. W. NORMAN, *Col.*,
Secy. to the Govt. of India.

NOTIFICATION.

Military Department, Calcutta, the 13*th June* 1865.

Under Clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that reports of the deaths of the undermentioned Officers, on the dates specified, were received in the Military Department, during the month of May 1865 :—

Corps.	Rank and Names.	Date of decease.	Place of decease.
34th Foot	Captain W. Cody	16th April 1865	Calcutta.
Bengal Medical Department...	Deputy Inspector General of Hospital R. B. Kinsey	1st April 1865	Ditto.

Calcutta, the 13th June 1865.

NOTICE

Is hereby given that the amounts on account of the Estates of deceased European Commissioned, Non-Commissioned, and Warrant Officers and Soldiers, as specified in the Statement published below, have been received by the undersigned, to whom all claims by creditors against the respective properties of the deceased are to be submitted within two calendar months, from the date of this Notice :—

Statement of Deposits made at the Presidency Pay Office on account of Estates of deceased European Commissioned, Non-Commissioned, and Warrant Officers and Soldiers of Her Majesty's Indian Military Service, in the month of May 1865.

Date of Deposit.	On whose account.	Rank.	Corps.	General number.	Date of decease.	Testate or Intestate.	Amount of monies accruing from the adjustment of Estates.	Amount of Donation Batta due to Estates.	Total unclaimed amount deposited.	How disposed of. Amount paid in India.	Amount retained in India.	Amount remitted for payment in England. In Co.'s Rupees.	Equivalent in Sterling.	Rate of Exchange.
	Commissioned and Warrant Officers.						Rs. A. P.		Rs. A. P.					
10th May 1865	(a) Charles Stewart, M. D. ...	Surgeon ..	34th Regiment, Native Infantry	...	6th Aug. 1864...	Intestate..	5 12 0	... ...	5 12 0					
Ditto	(b) Robert Vivian	Lieutenant..	General List, Infantry, doing duty with 42nd Assam Light Infantry	...	1st July 1864..	Ditto	659 2 7	... ...	659 2 7					
17th May 1865	(c) Oscar Byrne	Asst. Surgeon	Bengal Medical Service	...	25th Nov. 1864..	Ditto	80 13 4	... ...	80 13 4					
27th May 1865	(d) John Henry Fitzpatrick...	Offg. Asstt. Apothecary	Subordinate Medical Department	...	3rd March 1865	Ditto	54 4 4	... ...	54 4 4					
	Total ...	... ...	... ...	.....	.. ..	... ...	800 0 3	... ...	800 0 3					

(a) Next-of-kin, mother, and a brother, Mr. J. P. Stewart, at Penang.
(b) Next-of-kin, father, Lieutenant-General Sir R. Vivian, Member of Indian Council.
(c) Widow, Mrs. Ellen Mary Byrne, No. 7, Camac Street, Chowringhee, Calcutta.
(d) Next-of-kin, mother, Mrs. Elizabeth Fitzpatrick, and one brother, Mr. T. H. Fitzpatrick, at Kussowlee.

FORT WILLIAM,
PAY OFFICE;
The 31st May 1865.

C. F. M. MUNIY, *Lieut.-Col.,*
Presidency Pay Master.

H. K. BURNE, *Lieut.-Col.,*
Offg. Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

No. 218.

ESTABLISHMENT.

Simla, the 10th June 1865.

Erratum.—In Public Works Department Notification No. 131 of the 7th April 1865, omit the words "Local Rank" after the name of Lieutenant J. M. McNeile.

No. 219.

Notifications.—Captain D. J. P. Campbell, Executive Engineer, 4th Grade, returned from the sick leave granted to him in Notification No. 209 of the 5th instant, and resumed charge of the Chittledroog Division in Mysore, on the forenoon of the 15th May 1865.

No. 220.

The 12th June 1865.

The following Lighthouse Divisions with their Establishments, are transferred to the control of British Burmah, with effect from the 1st May 1865:—

Alguada Reef Lighthouse Division.

Cocos Island Lighthouse Division.

No. 221.

The 13th June 1865.

His Excellency the Governor General in Council having sanctioned the appointment of a Superintending Engineer instead of a Superintendent of Works, for the Assam Circle, with effect from the 1st April 1865, Major D. Briggs, Bengal Staff Corps, the Superintendent of Works (now on furlough), is appointed a Superintending Engineer, 2nd Class, from the above date, and posted to the Assam Circle.

No. 222.

Lieutenant W. G. Cumming, R. E., Assistant Engineer at Port Blair, is allowed one month's privilege leave, from such date as he may avail himself of the same.

No. 223.

The 14th June 1865.

Captain R. de Bourbel, R. E., at present attached to the Bhootan Force, is appointed to officiate as a Superintending Engineer of the 2nd Class, Public Works Department, Bengal, and is posted to the Assam Circle, *vice* Major D. Briggs, proceeded on furlough,—Captain de Bourbel will proceed to join his appointment when relieved from his military duties.

No. 224.

The preparatory leave granted to Captain H. D. B. Smith, Madras Staff Corps, in Notification No. 189, dated 25th May 1865, is extended to the 30th May.

No. 225.

The 15th June 1865.

Mr. C. W. Hope, Assistant Engineer, 1st Grade, is appointed to officiate as Assistant to Chief Engineer, and Assistant Secretary to Chief Commissioner, British Burmah, with effect from 20th May 1865.

C. H. DICKENS, *Lieut.-Col.*, R. A.
Secy. to the Govt. of India.

No. 10.

REVENUE.—FORESTS.

The 9th June 1865.

Notification.—Lieutenant W. Stenhouse, Examiner of Forest Accounts, British Burmah, in charge of the Tharrawaddee Division, is allowed eight weeks' preparatory leave, from the 18th May 1865, to appear before a Medical Committee at Madras, with a view of applying for sick leave to Europe.

E. C. S. WILLIAMS, *Captain*, R. E.
Under-Secy. to the Govt. of India.

ADVERTISEMENTS.

Department of Issue of Paper Currency.

NOTICE.

Collectors, or Officers acting as such, requiring to adjust Calcutta Circle Government Currency Notes which may be on their hands, are informed that the Bank of Bengal is the Agency of the Office of Issue of Paper Currency, Calcutta; and that all Calcutta Notes should be sent to the Secretary and Treasurer, Bank of Bengal, Calcutta, with a request that a Transfer Receipt may be granted in lieu.

CALCUTTA MINT, *The 9th June* 1865. — H. HYDE, *Head Commissioner.*

NOTICE.

Full Currency Note No. 64545, dated the 11th July 1861, for Rs. 20. Application for payment of its value has been made to the Secretary of the Bank of Bengal, Calcutta.

Ghazeepore. — S. W. MYLES, *Church Clerk.*

NOTICE.

The undermentioned four Government Promissory Notes belonging to Baboo Kaddarnath Mitter, having been destroyed by white ants, application is about to be made to the Loan Office for duplicates:—

No. 14410 of 1835-36, and Nos. 10616, 12940, and 29586 of 1842-43 for Rupees 500 each of the Four per cent. Loan.

CALCUTTA, *The 27th May* 1865. — KADDARNATH MITTER.

PRELIMINARY ANNOUNCEMENT.

IMPORTANT INDIGO FACTORIES FOR SALE.

To be sold by Public Auction on or about the 20th instant (unless previously disposed of by private contract)—

By order of the Mortgagees,

The well-known Indigo Factories called the Allumchund Concern, at Allahabad, with valuable Talook property attached thereto and Koontee crop now in the ground;

also,

The Koorsun Factory, Allahabad, with Koontee crop, both lately the property of N. Flouest, Esq., deceased. Further particulars and conditions of sale will be published, and in the mean while applications to be made to Messrs. W. Moran and Co., Old Mint Mart, Calcutta, and Messrs. Barrow, Sen, and Watson, Old Post Office Street, Calcutta.

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Apply to

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NOTICE.

Tenders are invited for the supply of Doors and Windows for the new Government Buildings at Soory. Tenders will be received up to 30th June 1865. For particulars apply to Executive Engineer, Bhaugulpore.

The Sarawuk, Jacnee, Hindustan Banking and Trading Company "Limited."

Capital two and a half crores of Rupees in shares of Rs. 100 each.

Calls Rs. 10 per share on allotment.

NO FURTHER CALLS TO BE MADE FOR 12 MONTHS.

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LALLAH BARROOMULL, of Saharumpore, Zemindar.

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LALLAH DOYARAM DOSS SARAWUK CHOWDRY.

PROSPECTUS.

The objects for which this Company is to be established are the transaction of general Banking, Commission and Agency business, and also of general mercantile and trading business at Calcutta (where the Head Office shall be), with Branch Agencies and Offices at Delhi, Rewarree Bhewanee, Lahore, Umritsur, Mooltan, Rawul Pindee, Peshawur, Jumboo, Cashmere, Agra, Gwalior, Allyghur, Meerut, Saharumpore, Furruckabad, Cawppore, Lucknow, Benares, Mirzapore, Bombay, Hydrabad, Ahmedabad, Nagpore, Indore, Jeypore, Joudpore, Ajmere, Kurrachee, and Roribhuckar.

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THE *GAZETTE OF INDIA.*

During the absence from Calcutta of the Members of the Government of India, or until further orders, the *Gazette of India* will be published at Simla. All communications, therefore, regarding the *Gazette* should be addressed to that Station.

Printed and Published for the Government of India by J. L. KINGHAM, *at the Government Press, Simla.*

No. 18.

SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, JUNE 17, 1865.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees four annas if sent by Post.*

No Official Orders or Notifications the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

Government of Bombay.

Cotton Cultivation in Kaira, Surat, and Khandeish.

From the Hon'ble B. H. ELLIS, Revenue Commr., Northern Division, to Offg. Chief Secy. to Govt., Bombay.—(No. 980, dated Camp Bulsar, the 24th March 1865.)

In reply to the Resolution No. 3460 A, dated 13th September last, I have the honor to submit the accompanying Reports in original from Kaira,* Surat,† & Khandeish,‡ supplying the information called for.

Out-turn of the cotton crop of 1864-65, and the state of the native cloth manufacture.

* No. 1265, dated 1st December 1864.
† No. 261, „ 8th March 1865.
‡ No. 1894, „ 15th October last.

2. No reply has yet been received from Ahmedabad. It will be duly forwarded when received.
3. Tannah is not a cotton-producing District.

From E. P. ROBERTSON, Esq., Acting Collr. of Kaira, to Revenue Commr., Northern Division,—(No. 1265, dated Camp Limbasee, the 1st December 1864.)

I have the honor to submit the Report called for in your Endorsement No. 2965, dated 21st September 1864.

The Statement in the margin exhibits the area under cultivation and out-turn of cotton during the current year as compared with the area under cultivation and out-turn during the previous year 1863-64. From this it will be seen that there is a decrease by 185 acres in the area under cultivation, and a probable decrease in the out-turn by 477 candies.

Area under cultivation in 1863-64.	Area under cultivation in 1864-65.	Out-turn in 1864-65.	Estimated out-turn in 1864-65.
Acres.	Acres.	Candies.	Candies.
15,669	15,484	4,707	4,230

Native cloth is almost entirely manufactured by the lower class of Hindoos and by a few Mussulmen. There are no people who manufacture to a large extent, and no factories or workshops are kept up. The manufacture is entirely house or domestic manufacture, and is confined entirely to coarse cloths and dhotees worn by the cultivators and laboring population. The people who make this cloth do not generally make a regular trade of it; they, their wives and children spin and weave when they have no other more active employment. The great dearness of cotton has to some extent, but not much, affected this industry for being carried on by poor people without capital; they have often been unable to purchase the necessary raw materials. The cloths and dhotees manufactured by these people are a hundred per cent. stronger than any machine-made goods imported from Europe. True they are coarse, but they are strong and warm and wear well, and therefore they find a ready sale in the market, and are more popular with the poorer classes than finer cloths of Europe manufacture.

I append a Statement exhibiting the chief localities in this Collectorate where country cloths are manufactured, the descriptions of cloths manufactured, the castes that manufacture, and whether they

have any employment; whether the cloth so manufactured are exported beyond the Collectorate, or sold within its limits; the probable yearly quantity manufactured, and the probable increase or decrease in the manufacture, during the current year.

No.	Talooka.	Estimated value of the present demand for English cloth.
		Rupees.
1	Mehmoodabad ...	2,50,000
2	Neirad ...	1,00,000
3	Borsud ...	73,000
4	Mahoondah ...	40,000
5	Thasra ...	1,00,000
6	Kuppervunj ...	2,00,000
	Total ...	7,63,000

In the Statement marginally noted, the present demand for English cloth during the year is exhibited.

Of course none of these statements can be relied upon as accurate; they all, however, are framed upon the best information at the disposal of the District Officers. I am inclined to think that the demand for English cloth is much larger than is stated, for I am led to believe that people have been afraid to mention the full amount for fear that some nex tax was about to be imposed upon them.

Statement exhibiting the chief localities where country cloths are manufactured in the Kaira Collectorate.

Number.	Name of Talooka.	The places where native cloth is now manufactured.	The description of cloth now manufactured.	The class of people who manufacture and whether they cultivate or carry on any other trade.	Whether any of this is manufactured for sale and for exportation.	The probable yearly quantity manufactured.	The probable increase or decrease in the current year.	The causes of such increase or decrease.
						Yards.		
1	Neirad ...	Neirad and other villages, where Dhers generally reside.	Thapara, Chetties, Dotees, Alaeecha, Chokurria, black.	Mussulmans, (Shekh Taee,) 2 Moomna, 3 Bhowsai, and 4 Dhers, who cultivate, &c.	Sold in this Collectorate, not exported to places out of this Zillah.	25,000	Decrease to the extent of half the amount expended in the last year.	This decrease is entirely attributable to the dearness of cotton, yarn, &c.
2	Mehmoodabad	Kaira, Mehmoodabad and Matur.	Basta, Gujeeas, Dotee, Thapara and Sarees, (cotton.)	1 Bhoras, 2 Moomnas, 3 Khutree, 4 Dhers, (Nos. 2 and 4 cultivate.)	Sold in this Collectorate and exported to Ahmedabad.	200,000	Do. do. of ⅛ do.	
3	Borsud ...	Borsud and surrounding villages.	Salla, Alaeecha, Thapara and Khadee.	1 Salvee, 2 Bhowsar, 3 Kachia, and 4 Dhers, (Nos. 1 and 4 cultivate.)	Sold in this Collectorate and exported to Sandojee.	50,000	Do. do. of ½ do.	
4	Mahoondha ...	Moundha, Aleena and 18 other villages.	Thapara, Basta, Dotee and Gujeea.	Dhers and Taees, who also cultivate.	Sold in this Collectorate.	15,000	Do. do. of ⅛ do.	
5	Thasra ...	Thasra, Oomret and 14 other villages.	Khadee and coarse Thapara.	Dhers, who also cultivate.	Ditto.	4,000	Do. do. of ⅛ do.	
6	Kuppervunj ...	Kuppervunj and other villages.	Turban, Dooputta, Khadee and Gujeea.	Lotia, Bohras, Dhers, Mussulmans, Bricklayers, who also cultivate.	Ditto and exported to Morasa, Godra, &c.	40,000	Do. do. of ⅛ do.	
						354,000		

(Signed) E. P. ROBERTSON,

Acting Collector.

From A. ROGERS, ESQ., Collr. of Surat, to Revenue Commr., Northern Division,—(No. 261, dated Camp Purwut, the 8th March 1865.)

I have the honor to forward the annual return of the cotton cultivation for this Collectorate for the year 1864-65.

2. You will observe that there is a decrease only in three Districts, Soopa, Ahmode, and Jamboosur. This has been caused by the unfavorable nature of the season, particularly in the two last-mentioned Pergunnahs. The natural result of the high prices of the staple lately ruling is shown in the increase of the area under cultivation in the inland Districts of Bardolee and Mandvee.

3. According to the Mamlutdars' estimates of out-turn, the crop of the whole Collectorate would fall short of last year's by about 9,500 candies of uncleaned cotton, although the decrease in acres is only 28. I find that the Mamlutdars of Wagra, Ahmode, and Jamboosur have estimated the produce per acre, respectively, at 3¾, 4, and 6 maunds (kutcha), and this though the Districts adjoin each other; and I am, from personal observation, convinced that if there has been a falling off in quantity of yield in any of the three, it has been in Jamboosur.

4. As complete returns were not received from the Districts in time to render it of any use to answer the reference made in your Endorsement No. 2965 of the 21st September last, on a copy of the Government Resolution noted in the margin, I trust that the reference will now be considered disposed of.

No. 3460 A, dated 13th September 1864.

5. With regard to the 2nd paragraph of that Resolution, I have the honor to report that from all accounts, the condition of the native cloth manufacturers is much depressed, and there is every probability of a progressive demand for English cloth if the present high price of cotton continues. The native manufacturers are not possessed of sufficient capital to enable them to purchase yarn at the enhanced prices at which only, in consequence of the high price of cotton, it can be sold, and they are consequently, by degrees, finding employment in other occupations.

Cotton Return of the Surat Collectorate for the year 1864-65, *submitted as per Revenue Commissioner's instructions, No.* 2023, *dated* 20*th July* 1863.

Talookas.	Total extent of culturable land.	Extent of Land in which Cotton may be cultivated.					Cotton cannot be cultivated.	Extent Cultivated.			
		Every year.	Every other year.	Once in three years.	Once in four years.	Average quantity of land capable of producing cotton yearly.		Government Land.	Inam Land.	Consisting of Indigenous Cotton. Government Land.	Consisting of Indigenous Cotton. Inam Land.
1	2	3	4	5	6	7	8	9	10	11	12
Oolpar	138,048 0 0	91,614 0 0	...	...	...	91,614 0 0	46,434 0 0	29,010 0 0	11,749 0 0	29,010 0 0	11,749 0 0
Chowrassee ...	20,345 0 0	...	19,219 0 0	...	...	9,609 0 0	1,126 0 0	4,248 0 0	7,033 0 0	4,248 0 0	7,033 0 0
Bardolee	117,406 0 0	...	28,887 0 0	...	...	...	88,519 0 0	9,088 0 0	600 0 0	9,088 0 0	600 0 0
Soopa	56,608 0 0	1,291 0 0	27,865 0 0	1,777 0 0	867 0 0	3,180 0 0	24,807 0 0	5,883 0 0	749 0 0	5,883 0 0	749 0 0
Chicklee ...	97,311 0 0	59 0 0	31 0 0	60 0 0	468 0 0	59 0 0	96,691 0 0	88 0 0	...	88 0 0	...
Bulsar	...	...	...	...	...	...	...	...	...	...	...
Mandvee	97,668 0 0	176 0 0	24,179 0 0	24,561 0 0	27,433 0 0	27,311 0 0	21,317 0 0	6,106 0 0	1,198 0 0	6,106 0 0	1,198 0 0
Unklesur	157,685 0 0	147,891 0 0	...	...	...	147,891 0 0	9,793 0 0	47,343 0 0	13,425 0 0	47,343 0 0	13,425 0 0
Broach	70,187 0 0	759 0 0	54,256 0 0	8,665 0 0	..	21,226 0 0	6,506 0 0	39,311 0 0	5,008 0 0	39.311 0 0	5,008 0 0
Wagra	171,475 0 0	5,348 0 0	52,477 0 0	57,195 0 0	21,107 0 0	34,032 0 0	35,047 0 0	41,486 0 0	13,268 0 0	41,486 0 0	13,268 0 0
Ahmode	58,010 0 0	7,251 0 0	29,004 0 0	14,503 0 0	7,251 0 0	14,496 0 0	...	32,954 0 0	8,252 0 0	32,954 0 0	8,252 0 0
Jamboosur ...	153,235 0 0	..	150,904 0 0	...	...	75,452 0 0	2,331 0 0	31,186 0 0	23,103 0 0	31,186 0 0	23,103 0 0
Total ...	1,137,978 0 0	254,389 0 0	386,822 0 0	106,761 0 0	57,126 0 0	424,870 0 0	332,871 0 0	246,703 0 0	84,385 0 0	246,703 0 0	84,385 0 0
In the year 1863-64 ...	1,225,233 0 0	259,873 0 0	426,491 0 0	122,416 0 0	60,394 0 0	443,053 0 0	356,058 0 0	235,688 0 0	95,374 0 0	235,688 0	95,374 0 0
Decrease in 1864-65 ...	87,255 0 0	5,484 0 0	39,669 0 0	15,655 0 0	3,268 0 0	18,183 0 0	23,187 0 0	...	10,989 0 0	...	10,989 0 0
Increase in 1864-65 ...	...	...	...	...	...	...	...	11,015 0 0	...	11,015 0 0	...

Talookas.	Extent cultivated. Consisting of Exotic Cotton. Government Land.	Inam Land.	Total extent of cotton cultivation.	Uncleaned Cotton produced. Indigenous.		Exotic.		Total.		Yield of clean Cotton. In candies of 784 lbs. Indigenous.		Exotic.		Total.		Local consumption (Estimate.) Indigenous.		Exotic.		Exported Estimate. Indigenous.		Exotic.	
	13	14	15	16		17		18		19		20		21		22		23		24		25	
Oolpar ...	...	...	40,759 0 0	13,729	110	...	...	13,729	110	4,576	298	...	...	4,576	298	154	778	...	...	4,421	304		
Chowrassee ...	...	...	11,281 0 0	3,656	196	..	...	3,656	196	1,218	588	...	...	1,218	588	100	...	...	...	1,118	588		
Bardolee ...	...	...	9,688 0 0	3,359	380	...	...	3,359	380	1,137	117	...	...	1,137	117	786	...	...	...	351	117		
Soopa ...	...	...	6,632 0 0	2,058	32	...	...	2,058	32	686	10	...	...	686	10	...	...	...	...	686	10		
Chicklee ...	...	...	88 0 0	22	392	...	..	22	392	7	392	...	...	7	392	7	392	...	...	...	...		
Bulsar ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	..	...	...	...	...		
Mandvee ...	...	...	7,304 0 0	2,365	125·8	...	...	2,365	125·8	788	303·2	...	...	788	303·2	200	...	...	...	588	303	2	
Unklesur ...	...	..	60,768 0 0	15,456	117	...	...	15,456	117	5,152	97	...	...	5,152	97	152	97	...	...	5,000	...		
Broach ...	...	...	44,319 0 0	10,254	265	...	...	10,254	265	3,424	82	...	...	3,424	82	129	447	...	...	3,294	419		
Wagra ...	...	...	54,754 0 0	10,498	312	...	...	10,498	312	3,906	741	...	...	3,906	741	226	585	...	...	3,680	156		
Ahmode ...	...	...	41,206 0 0	8,957	...	...	...	8,957	...	2,986	...	...	...	2,986	...	175	...	...	...	2,811	...		
Jamboosur ...	...	...	54,289 0 0	16,347	...	...	..	16,347	...	4,450	...	...	...	4,450	...	50	...	...	...	440	...		
Total ...	...	...	331,088 0 0	86,703	361·8	..	...	86,703	361·8	28,333	276·2	...	...	28,333	276·2	1,981	731	...	...	26,351	329	2	
In the year 1863-64 ...	0 1 8	...	331,063 0 0	95,293	218⅓	...	...	95,293	218⅓	30,653	104	...	...	30,653	104	2,112	599	...	...	28,540	289	2	
Decrease in 1864-65 ...	0 1 8	...	...	8,590	...	...	...	8,590	...	2,320	...	...	...	2,320	...	131	...	...	...	2,191	...		
Increase in 1864-65 ...	...	...	25 0 0	...	143	...	...	...	143	...	172·2	...	...	...	172·2	...	132	...	...	...	40·2		

To

B. H. ELLIS, Esq.,
Revenue Commissioner, N. D.

Camp Purwut,
The 8th March 1865.

(Signed) A. ROGERS,
Collector of Surat.

From L. R. ASHBURNER, Esq., Collector of Khandeish, to Revenue Commissioner, Northern Division,—
(No. 1894, dated Lulling, 15th October 1864.)

No. 2965, dated 21st September 1864.
on
Government Resolution No. 3460 A, dated 13th September 1864.

With reference to your Memorandum as per margin, I have the honor to report that the area of land under cotton cultivation in Khandeish this year may be estimated at acres 531,830, being an increase of 50 per cent. on last year. I have made this estimate from inquiries as to the actual increase of several villages in the Dhoolia Talooka, which has reached 50 per cent. If the increase has been 50 per cent. in Dhoolia, it may be estimated as fully equal to that in the Talookas more favorably situated with regard to facilities for export and soil.

Candy of cotton, 784 lbs.

2. It is impossible to give any correct idea of the probable out-turn of cotton at this early period of the season. If no more rain falls, or only partial showers, the crop will not be more than 35,708 candies, being about ⅓rd the quantity per acre produced last year, that is, calculated on the extended area under cultivation this year; but if there is a seasonable fall of rain, the crop will probably produce about 25 per cent. per acre less than last year, in which case it will yield 107,125 candies.

3. My information with regard to the native manufactures of cloth and the probable demand for English cloth is very imperfect. The price of English cloth has not advanced at the same rate as that of the raw cotton, and this has given the Manchester manufacturers an increased advantage over the native weaver: but the latter still commands the market in all articles of female dress and in pugrees for men,—the Manchester manufactures have never suited the tastes of the Indian public in these articles. I am informed that the native looms at Yeola, Paitan, Ahmedabad, and Poona, are in full operation,—they employ English yarn and China silk.

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No. 25.

The Gazette of India.

Published by Authority.

SIMLA, SATURDAY, JUNE 24, 1865.

HOME DEPARTMENT.

No. 1637.

Simla, the 17th June 1865.

Notifications.—Lieutenant G. W. Cole, Sub-Assistant Commissary General, is appointed to officiate as Cantonment Magistrate of Rangoon, as a temporary measure, and in addition to his own duties, *vice* Lieutenant Bennet, transferred to another appointment.

Lieutenant Cole received charge of the above office from Lieutenant Bennet, on the afternoon of the 17th May 1865.

Lieutenant G. W. Cole, while officiating, is invested with the powers of a Magistrate, as described in Section 22 of Act XXV. of 1861, and also with Civil jurisdiction, under Section 6 of Act XXII. of 1864.

No. 1645.

The 19th June 1865.

Mr. N. A. Garstin, Assistant District Superintendent of Police in Oudh, is appointed to officiate as District Superintendent of Hurdui, during the absence of Lieutenant E. B. Ward, with effect from the 24th of February.

No. 1655.

The 17th June 1865.

The Governor General in Council has been pleased to promote Chaplain the Reverend H. W. Crofton, to be Chaplain from the 1st instant, *vice* the Reverend Dr. Carshore, deceased.

No. 1682.

The 20th June 1865.

The appointment of Mr. W. R. Brooke, to officiate in charge of the Bengal Circle of Telegraphs, notified in No. 2241 of the 10th March last, is cancelled.

Mr. Thomas Blissett, Assistant Superintendent of Telegraphs, doing duty in the East Coast Circle, is appointed to officiate as Superintendent of that Circle, *vice* Mr. B. C. Bailey, with effect from the 19th February 1865.

No. 1684.

Mr. W. Ivey, Assistant Revenue Surveyor, 1st Class, 2nd Division, Lower Provinces, is transferred to the 3rd Division, Oudh Revenue Survey.

Mr. W. A. Wilson, Sub-Assistant Revenue Surveyor, 2nd Class, 3rd Division, Oudh, is transferred to the 2nd Division, Lower Provinces.

No. 1703.

The Governor General in Council is pleased to permit Captain R. Forbes to resign the appointment of Assistant District Superintendent of Police in the Central Provinces, from the 31st March 1865.

The services of Captain Forbes are replaced at the disposal of the Military Department.

No. 1721.

Mr. G. Smeaton, a Junior Civil Servant, having obtained certificate of high proficiency in Bengalli, has been presented with the authorized donation of Rs. 800.

No. 1724.

The Governor General in Council is pleased to attach Messrs. T. C. Huddlestone and R. W. Trafford, of the Civil Service, reported qualified for the Public Service, to the North-Western Provinces, the Punjab and Oudh, and to place their services at the disposal of the Foreign Department.

No. 1729.

The 21st June 1865.

Six months' extension of leave on medical certificate has been granted by the Right Hon'ble the Secretary of State to the Reverend Anthony Garstin, of the Bengal Ecclesiastical Establishment.

No. 1730.

Lieutenant G. C. Sartorius, Officiating Assistant Commissioner, Chanda, Central Provinces, is invested with the powers of a subordinate Magistrate of the 2nd Class, described in Chapter 2, Section 22 of Act XXV. of 1861.

No. 1738.

Mr. J. Hussey, 3rd Class Sub-Assistant, attached to No. 7 Topographical Survey Party, returned to duty on the 1st ultimo, from the extension of leave granted to him on the 17th of April.

No. 1742.

The 22nd June 1865.

The services of 3rd Grade Sub-Assistant Surgeon Sumboo Chunder Gooptoo are placed at the disposal of the Government of the North-Western Provinces.

Third Grade Sub-Assistant Surgeon Nobo Gopaul Roy is appointed to the Charitable Dispensary at Saugor.

E. C. Bayley,
Secy. to the Govt. of India.

No. 2.

Star of India.

Simla, the 12th June 1865.

Notification.

Under the provisions of Section XIV. of the Statutes, His Excellency the Viceroy and Governor General, as Grand Master, is pleased to nominate the Hon'ble William Muir to be the Secretary of the Most Exalted Order of the Star of India.

Seymour Blane, *Lieut.-Col.,*
Military Secretary to the Viceroy and Governor General.

FOREIGN DEPARTMENT.

No. 244.

Judicial.

Simla, the 20th June 1865.

Notification.—His Excellency the Governor General in Council is pleased, under the provisions of Section 39 of Act XXII. of 1864, to extend the said Act to the Cantonment of Ellichpore in the Oomraotee District, Hyderabad Assigned Territories.

With reference to Section 3 of the above Act, the Governor General in Council is pleased, under Section 23 of the Code of Criminal Procedure, to invest the Assistant Commissioner in charge for the time being, of the Ellichpore and neighbouring Tehseels, with the powers of a Magistrate, within the limits of the Cantonment of Ellichpore.

Under Section 43 of the above Act, the Governor General in Council is pleased to direct that commitments by the Cantonment Magistrate of Ellichpore shall be made to, and appeals from his sentences heard and determined by, the same Authorities as have cognizance and jurisdiction in respect severally of appeals and commitments in cases connected with the neighbouring Tehseels.

Under Section 6 of the above Act, the Governor General in Council is pleased to establish in the Cantonment of Ellichpore, a Court of Small Causes for the trial of suits of the nature described in Section 3 of Act XLII. of 1860; and to declare that the pecuniary limit of the jurisdiction of the said Court shall be Rupees 500. The Cantonment Magistrate shall be the Judge of the Court of Small Causes.

The Governor General in Council is also pleased to declare, under Section 44 of Act XXII. of 1864, that in respect of the said Court, the Commissioner of the Hyderabad Assigned Districts shall exercise the powers vested in the Sudder Court by the provisions of Act XLII. of 1860.

W. Muir,
Secy. to the Govt. of India.

No. 238.

Military.

The 19th June 1865.

Notification.—Lieutenant and Adjutant J. Jacob, of the Deolee Irregular Force, has obtained privilege leave of absence for sixty days from the 14th ultimo, during which time his duties will be conducted by Captain Clay, 2nd in Command and Squadron Officer of the Force.

No. 522.

Political.

The 22nd June 1865.

Notification.—His Excellency the Viceroy and Governor General in Council is pleased to confer the title of Thakoor on Baboo Rughoonath Sing, of Khursowan in Chota Nagpore.

No. 1314.

General.

The 19th June 1865.

Notifications.—Captain E. C. Impey received charge of the Joudhpoor Political Agency from Lieutenant W. J. W. Muir, Assistant to the Agent to the Governor General for Rajpootana, on the forenoon of the 9th May 1865.

No. 1316.

Lieutenant F. H. T. Gordon Cumming, Assistant Superintendent, 3rd Class, Mysore, is appointed to officiate as Deputy Superintendent of the Chituldroog District.

No. 1318.

Moung Pho, Extra Assistant Commissioner, 3rd Class, 2nd Grade, British Burmah, is promoted to the 1st Grade on Rs. 150 a month, in the room of Moung Hpo Kaw, reduced to the 2nd Grade on Rs. 130 a month—the arrangement to have effect from the 18th May 1865.

No. 1320.

Erratum.—In Notification No. 1192, dated 3rd June 1865, for Huzaree Mull, read Huzaree Lall.

No. 1331.

The 20th June 1865.

Notifications.—Moung Kan Baw, Extra Assistant Commissioner, British Burmah, 3rd Class, 1st Grade on Rs. 150, is reduced to the 4th Class on Rs. 100 per mensem.

Moung Htso, Extra Assistant Commissioner, 3rd Class, 2nd Grade on Rs. 130, is promoted to the 1st Grade on Rs. 150 per mensem.

Moung Shwe Ngyo, Extra Assistant Commissioner, 4th Class on Rs. 100, is promoted to the 3rd Class on Rs. 130 per mensem.

The above changes will have effect from 18th May 1865.

No. 1333.

Mr. C. W. McMinn, C. S., whose services were placed at the disposal of the Chief Commissioner of Oudh in G. O. No. 492, dated 2nd March last, is appointed an Assistant Commissioner of the 3rd Grade, *vice* Lieutenant Erskine, transferred to the Settlement Department.

No. 1335.

The following promotions in the Mysore Commission, are sanctioned by the Governor General in Council :—

Somasoonder Rao, Native Assistant, 2nd Class, to be a Native Assistant of the 1st Class, in succession to Nagabhooshun Rao, deceased.

Krishnaswami Ayengar, Native Assistant, 3rd Class, to be a Native Assistant of the 2nd Class.

Srinivas Ayengar, Native Assistant, 4th Class, to be a Native Assistant of the 3rd Class.

Aroonachellum Modeliar, Amildar of Mysore Talook, to be a Native Assistant of the 4th Class.

Gopal Ayengar, Residency Serishtadar, to be a Native Assistant of the 4th Class, in succession to Syud Moheeooddeen, resigned.

No. 1337.

The 21st June 1865.

Mr. K. M. Nicholson, Officiating Assistant Superintendent of Survey and Settlement in Oudh, obtained leave of absence for one month, under Section 16 of the new Uncovenanted Service Absentee Rules, from the 15th April 1865.

No. 1342.

The 22nd June 1865.

Lieutenant A. N. Bruce, Assistant to the Governor General's Agent for the States of Rajpootana, is appointed to officiate as Political Agent at Harowtee, *vice* Captain H. Phillpots, deceased.

No. 1344.

Sheikh Boodun, Officiating Extra Assistant Commissioner, 4th Class, in the Central Provinces, is confirmed in the appointment, consequent on the retirement of Extra Assistant Commissioner Kalka Pershad.

A. Colvin,
Offg. Under-Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 20th June 1865.

No. 604 *of* 1865.—On the recommendation of His Excellency the Commander-in-Chief, the Right Hon'ble the Governor General in Council is pleased to direct that the Garrison of Delhi shall cease to be a Brigade Command from the 1st August next.

From that date, the command of the troops at Delhi will be exercised by the Senior Officer in the Garrison.

A Brigade Major will be retained at Delhi to conduct the staff duties of the place.

From the 1st August next, a Brigadier General of the first class will command the Garrison of Fort William, in subordination to the General Officer Commanding the Presidency Division.

The Fort Adjutant of Fort William will be the Staff Officer of the Brigadier General Commanding the Garrison.

No. 605 *of* 1865.—The undermentioned Officers are permitted to proceed to Europe, on leave of absence, on sick certificate :—

Lieutenant Henry Isham Wheler, of the late 38th Regiment, Native Infantry, attached to the 43rd Regiment, Native Infantry.	For eighteen months, under the new Regulations.
Lieutenant Henry John Peet, of the General List, Infantry, attached to the 43rd Regiment, Native Infantry.	For fifteen months, under the new Regulations.

No. 606 *of* 1865.—The following promotion is made, subject to Her Majesty's approval :—

Corps.	Rank and Name.	To what rank promoted.	From what date.	In succession to.
Cadre of the late 70th Native Infantry ...	Lieutenant (Captain in the Staff Corps) Frederick Jervis Ripley	Captain ...	1st June 1865	Captain (Brevet Major) W. T. Garstin, deceased.

No. 607 *of* 1865.—The following promotion is made, subject to Her Majesty's approval :—

Corps or Department.	Rank and Name.	To what rank promoted.	From what date.	In succession to.
Medical Department	Assistant Surgeon John Picthall, M. D., L. R. C. P.	Surgeon...	15th April 1865	Surgeon W. B. Butt, deceased.

No. 608 *of* 1865.—With reference to G. G. O. No. 165 of the 2nd of March 1863, the name of the undermentioned Officer who retired from the service under the Annuity Scheme of 1861, is removed from the list of Regimental Lieutenant-Colonels of Infantry :—

Rank and Name.	REMARKS.
Lieutenant-Colonel (Major General, Retired List) W. St. L. Mitchell	By death of Lieutenant-General G. W. A. Lloyd, C. B., Bengal Infantry.

No. 609 *of* 1865.—Sergeant Michael Larkin, attached to the office of the Quarter Master General, is promoted to the rank of Sub-Conductor.

No. 610 *of* 1865.—With reference to G. G. O. No. 329 of the 20th March 1862, the Right Hon'ble the Governor General in Council is pleased to direct that, for the future, the use of the term "dry batta" shall be discontinued, and that of "ration money" substituted for it.

No. 611 *of* 1865.—With reference to G. G. O. No. 1085 of the 23rd December 1853, the Right Hon'ble the Governor General in Council is pleased to direct, in view to ensuring uniformity of practice in the three Presidencies, that in future the money payment in lieu of extra rations, granted to British Troops on Christmas Day, New Year's Day, the Queen's Birthday, and on other occasions when the indulgence may be authorized, shall be at the rate of four annas for each Non-Commissioned Officer and Soldier throughout India.

No. 612 *of* 1865.—The services of Lieutenant H. V. Riddell, of the late 2nd European Bengal Fusiliers, Quarter Master, 21st (Punjab) Regiment, Native Infantry, are placed at the disposal of the Foreign Department.

No. 613 *of* 1865.—His Excellency the Governor General in Council is pleased to make the following appointments :—

PUNJAB IRREGULAR FORCE.

2nd Punjab Infantry.

Assistant Surgeon G. Farrell, F. R. C. S., in medical charge of the 2nd Punjab Cavalry, to the medical charge, *vice* Assistant Surgeon Hale, V. C., M. D., placed at the disposal of the Commander-in-Chief for employment with British troops.

2nd Punjab Cavalry.

Assistant Surgeon F. G. Constant, M. D., attached to the 23rd (Punjab) Regiment, Native Infantry (Pioneers), to the medical charge, *vice* Assistant Surgeon Farrell, F. R. C. S.

No. 614 *of* 1865.—The following letter from the Right Hon'ble the Secretary State for India, is published for general information :—

MILITARY. INDIA OFFICE;
No. 152. *London, the* 16*th May* 1865.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,—Para. 1. I have recently had under my consideration, certain questions connected with the employment of Officers of Her Majesty's British Service on staff duty in India, and of the pay and allowances which they should receive while so employed.

2. In the 76th para. of your General Order No. 332 of 10th April 1861, certain departments of the staff were mentioned as being open alike to Officers of the Staff Corps, and to those of either Army.

3. These were—

The Adjutant General's Department.
The Quarter Master General's Department.
Brigade Majors.
Fort Adjutants.

4. To these should be added Divisional and Brigade Commands.

5. All appointments on the general staff of the Army are made by the Governments in India, and the selection for them is made by the Governments from among the Officers serving with regiments in India, with the following exceptions :—

I.—Certain of the Divisional Commands, for which Officers are nominated in this country.

II.—The Adjutant General and Quarter Master General who, according to a recent arrangement, may be selected from the service at large, whether in or out of India, and must be approved by the authorities in this country.

6. The selection of Officers for appointment on the personal staff is, from a consideration of their peculiar position and duties, left to the Officers to whom they are to be attached.

7. With reference to the Officers selected by the Governments in India from regiments on their

respective establishments, it has been hitherto a rule of the service, as affirmed by the Court of Directors in their Despatch to the Government of India, dated 24th December 1856, No. 217, that the establishment of the Queen's regiments in India, should not be augmented in consequence of the appointment of any of its Officers to the staff, and also that such Officers would cease to hold staff appointments if placed upon half-pay or unattached pay, or if their regiments were removed from the establishment in India.

8. The number of Field Officers on the establishment of regiments serving in India has recently been reduced, and as it is considered indispensable that there should not be less than three effective Field Officers for any regiment, it was determined in 1861 that Officers of that rank appointed to Brigade Commands or other staff appointments should be seconded in all cases where there are not more than that number of Field Officers borne on the establishment of their regiment.

9. An Officer so appointed would continue to receive his usual pay and allowances, together with the staff pay of his appointment; but, according to rule, would cease to hold his appointment on his regiment quitting India. I am of opinion that there is no reason for continuing this rule. The object of it was to prevent, what would have occurred under former circumstances, an additional burden being thrown upon the revenues of India. The present arrangement removes this objection as far as those Officers are concerned, and I consider that it would be to the advantage of the service in India to retain in staff situations Officers of Indian experience, and therefore that these Officers should enjoy the privilege of retaining these situations up to the completion of the usual period of staff service, *viz.*, five years, whether the regiments remain in India or not.

10. With regard, however, to Officers under the rank of Field Officer serving with regiments in India, the establishment remains unaltered, and there is no need therefore for seconding such an Officer if selected for a staff situation, and the rule of the appointment being vacated on the occurrence of any of the contingencies mentioned in the Despatch of 24th December 1856, No. 217, should hold good.

11. It can hardly be considered an exception to this rule; but in order to prevent any misunderstanding, I must refer you to my having already given my sanction to a proposal of your Government that an Officer of a British regiment, serving as a probationer for the Staff Corps, should be allowed to remain to complete such probation, although his regiment might be ordered Home.

12. There is a further question to be considered, *viz.*, the principle upon which the salary to be drawn by an Officer on half or unattached pay, holding a staff appointment in India, is to be regulated.

13. The present regulation on this point is based on the principle laid down in a Despatch from the Court of Directors, dated 9th September 1829, according to which it was declared that "the "charge to the Company on account of King's "Officers holding staff appointments, but not "attached to regiments on the Indian establishment, must be limited to the staff pay," and "we cannot consent to the issue to Officers so "circumstanced, of what are termed 'Company's "allowances,' which are enjoyed by Officers regi-"mentally, and not in virtue of staff situations."

14. My Despatch dated 31st August 1863, No. 311, regulating staff salaries did not, as you were subsequently informed, propose any interference with this long established rule.

15. The number of half-pay or unattached Officers who can be employed on the staff in India, is very small, being limited to the three following classes:—

Divisional Commanders appointed from this country.

The Adjutant General and Quarter Master General of the three Presidencies when Officers of the British Army; and,

Personal Staff.

16. Most of these are of such rank in the service, that if appointed from a regiment in India, they would, under present arrangements, be seconded, and would receive the same pay as effective Officers in their staff appointments.

17. The rule, therefore, is not of much financial importance, and it operates unequally on the Officers affected by it.

18. If a half-pay or unattached Officer of Her Majesty's Service is holding a staff appointment, the salary of which is consolidated, he receives according to present rules, the same amount of salary while actually present for duty, that an effective officer would receive in the same appointment. It is only during temporary absence on leave that he suffers under the operation of the present rule, as, in that case, he is permitted to draw only his half-pay in addition to the regulated moiety of staff salary.

19. On the other hand, a half-pay or unattached Officer holding a staff appointment, such as that of Aide-de-Camp to a Governor, the staff salary of which has been granted as an addition to Staff Corps pay, will receive less at all times than an effective Officer holding the same office by the difference between his half-pay and the pay and Indian allowances of a Staff Corps Officer.

20. It does not seem desirable or necessary that Officers of Her Majesty's Service, employed in India, should be placed any longer in this exceptional position; and taking all the above circumstances into consideration, and observing that no Officer on the half-pay of the British Army can hold any staff appointment in India, other than those above-mentioned, it has appeared to me just and desirable to modify the present regulations regarding the pay of such Officers, and I have determined that such Officers shall henceforth be entitled to receive, while holding a staff appointment in India, the same aggregate pay and allowances and staff salary, whether present for duty or absent on temporary leave in India, that an Officer of the Staff Corps of the same substantive rank would be entitled to under similar circumstances.

I have, &c.,

(Signed) C. Wood.

No. 615 *of* 1865.—The following order issued by the Government of Bombay, is confirmed :—

No. 262, *dated* 3*rd May* 1865.—Granting leave of absence to Europe, on medical certificate, to Brevet Colonel William Templer Hughes, Bengal Staff Corps, Commandant, 1st Punjab Cavalry.	For twenty months.
Granting leave of absence to Europe, on medical certificate, to Surgeon John Barclay Scriven, Bengal Medical Establishment.	For twenty months, under the new Regulations.

No. 616 *of* 1865.—The undermentioned Officers having completed twenty years' service, six years of which were on permanent staff employ, to be Lieutenant-Colonels from the dates specified opposite to their respective names, under the Royal Warrant of the 16th January 1861, subject to Her Majesty's approval :—

Bengal Staff Corps.

Major C. Holroyd	11th June 1865.
Ditto N. R. Sneyd ...	
Ditto A. Hunter	
Ditto R. C. Germon ...	12th June 1865.
Ditto (Brevet Lieut.-Col.) C. J. Robarts ...	

No. 617 *of* 1865.—The undermentioned Officers having completed twelve years' service, four years of which were on permanent staff employ, to be Captains from the dates specified opposite to their respective names, under the Royal Warrant of the 16th January 1861, subject to Her Majesty's approval :—

Bengal Staff Corps.

Lieutenant R. J. Walker ...	11th June 1865.
Ditto H. L. Hawkins ...	
Ditto P. C. Rynd ...	
Ditto E. S. Fox ...	

No. 618 *of* 1865.—The following promotion is made, with effect from the 23rd November 1864 :—

Ordnance Commissariat Department.

Rank and Name.	To what rank promoted.
Officiating Sub-Conductor William Nash ...	Sub-Conductor.

No. 619 *of* 1865.—Captain G. N. Kelsall, Royal Engineers, attached to the Bhootan Field Force, is permitted to proceed to Sea on medical certificate, and to be absent from Bengal on that account for two months.

No. 620 *of* 1865.—The undermentioned Officers having completed twenty years' service, six years of which were on permanent staff employ, to be Majors from the dates specified opposite to their respective names, under the Royal Warrant of the 16th January 1861, subject to Her Majesty's approval :—

Bengal Staff Corps.

Captain C. J. Godby	13th June 1865.
Ditto J. S. Ogilvie	
Ditto N. W. Elphinstone ...	14th June 1865.
Ditto and Brevet Major H. F. M. Boisragon ..	
Ditto J. K. Couper	
Ditto J. Sykes	
Ditto W. Nembhard	
Ditto J. B. Smyly	

No. 621 *of* 1865.—The undermentioned Non-Commissioned Officer is admitted to pension, as specified opposite to his name :—

Sergeant William Greenwood (Unattached List), Bazaar Sergeant, Sealkote	30 (thirty) Rs. per mensem, payable in India.

No. 622 *of* 1865.—The following promotions by Brevet are made under the operation of G. G. O. No. 632 of the 4th August 1864, subject to Her Majesty's approval :—

BREVET.

Corps.	Rank and Name.	Date from which entitled to the rank of Lieut.-Col.
	To be Lieutenant-Colonels.	
Late 23rd N. I.	Major Evelyn Bradford	11th June 1865.
Late 69th N. I.	Major John Nisbett	12th do.
Late 16th N. I.	Major William Graydon	12th do.
Late 3rd European Regiment..	Major Edwin Thomas	12th do.
	To be Majors.	*Date from which entitled to the rank of Major.*
Late 41st N. I. ...	Captain John Ruggles	13th June 1865.
Late 1st Eur. Bengal Fusiliers	Captain Etienne St. George	14th do.
Late 42nd N. I.	Captain William Nassau Lees, L. L. D.	14th do.
Late 17th N. I.	Captain Charles Baily	14th do.
	To be Captains.	*Date from which entitled to the rank of Captain.*
Late 11th N. I.	Lieutenant Spencer Grant Warde ...	12th June 1865.
Late 33rd N. I.	Lieutenant James Stevenson ..	18th do.

No. 623 *of* 1865.—The following promotion is made, subject to Her Majesty's approval :—

Corps or Department.	Rank and Name.	To what rank promoted.	From what date.	In succession to.
Medical Department	Assistant Surgeon Alfred Godley Crewe	Surgeon ..	3rd June 1865	Deputy Inspector General of Hospitals J. H. Butler, F. R. C. S., deceased.

No. 624 *of* 1865.—The undermentioned Officer has reported his return from England :—

	Date of arrival at Fort William.
Lieutenant Richard Hudson Dyas, of the late 4th European Regiment.	12th June 1865.

The 21*st June* 1865.

No. 625 *of* 1865.—Captain A. W. Capel, of the Lahore Light Horse, is allowed leave of absence for four months, from the 14th instant, in extension of privilege leave, to remain in the Neilgherry Hills on medical certificate.

No. 626 *of* 1865.—The following order by the Resident at Hyderabad, is confirmed :—

No. 74, *dated* 22*nd May* 1865.—Confirming the regimental order issued by the Officer Commanding, 2nd Infantry, Hyderabad Contingent, directing Lieutenant and Officiating Adjutant R. J. McGhee to officiate as 2nd in Command of the Corps, from the 7th May 1865, in addition to his other duties as Adjutant, during the absence on leave of Captain Pedler.

No. 627 *of* 1865.—The undermentioned Officer has reported his return from England :—

	Date of arrival at Fort William.
Major George Gill Moxon, of the Bengal Staff Corps, Deputy Superintendent of Police, Saugor Division.	12th June 1865.

No. 628 *of* 1865.—The following extract from the *London Gazette* of the 25th April, is published for general information :—

WAR OFFICE;

London, the 25*th April* 1865.

BREVET.

The Commission as Major of Second Captain Joseph Bonus, Royal (late Bombay) Engineers, to bear date 1st March, 1864.

The undermentioned promotions to take place in Her Majesty's Indian Military Forces, consequent on the decease of—

General Richard Collyer Andrée, Bengal Infantry, on 27th March, 1865;

General Mossom Boyd, Bengal Infantry, on 8th April, 1865;

Lieutenant-General Sir Scudamore Winde Steele, K. C. B., Madras Infantry, on 11th March, 1865; and,

Major-General James Matthie, Bengal Infantry, on 28th March, 1865 :—

To be Generals.

Lieutenant-General Frederick Young, Bengal Infantry. Dated 28th March, 1865.

Lieutenant-General Sir Thomas Monteath Douglas, K. C. B., Bengal Infantry. Dated 9th April, 1865.

To be Lieutenant-Generals.

Major-General Christopher Dixon Wilkinson, C. B., Bengal Infantry. Dated 12th March, 1865.

Major-General William Taylor, Madras Infantry. Dated 28th March, 1865.

Major-General Westrop Watkins, Madras Infantry. Dated 9th April, 1865.

To be Major-Generals.

Colonel John Edmondstone Landers, Bengal Infantry.. Dated 12th March, 1865.

Colonel Edward Rowland Mainwaring, Bengal Infantry. Dated 28th March, 1865.

Colonel Richard Cornwallis Moore, C. B., Royal (late Madras) Artillery. Dated 29th March, 1865.

Colonel Auchmuty Tucker, C. B., Bengal Cavalry. Dated 9th April, 1865.

The undermentioned Officers who have retired upon full-pay, to have a step of honorary rank as follows :—

To be Colonels.

Lieutenant-Colonel Samuel Richard Tickell, Bengal Staff Corps. Dated 25th April, 1865.

Lieutenant-Colonel Andrew John Kelso, Madras Cavalry. Dated 25th April, 1865.

Lieutenant-Colonel Richard John Edgell, Bengal Infantry. Dated 25th April, 1865.

To be Lieutenant-Colonel.

Major William Hornidge, Madras Infantry. Dated 25th April, 1865.

To be Major.

Captain Arthur Crawford, Bengal Infantry. Dated 25th April, 1865.

No. 629 *of* 1865.—The following order by the Resident at Hyderabad, is confirmed :—

No. 79, *dated* 31*st May* 1865.—Confirming the regimental order issued by the Officer Commanding, 4th Cavalry, Hyderabad Contingent, directing Lieutenant and Adjutant F. J. Innes to officiate as 2nd in Command, and Lieutenant and paid Doing-duty Officer H. C. Onslow to officiate as Adjutant to the Corps, from the 11th instant,—the date on which Lieutenant-Colonel H. D. Abbott, C. B., assumed Command of the Hyderabad Contingent.

No. 630 *of* 1865.—The following promotions are made in the undermentioned Corps of the Native Army :—

Corps.	Rank and Names.	To what rank promoted.	From what date.	In whose room.
21st (Punjab) Regiment, Native Infantry	Jemadar Lehna Singh ...	Subadar ...	27th March 1865	Jaffir Ali Shah, deceased.
Ditto ...	Havildar Muddi Khan...	Jemadar ...	Ditto ...	Lehna Singh, promoted.
7th Bengal Cavalry	Kote Duffadar Shaik Momtaz Ally	Ditto ...	1st May 1865	Bhurrut Sing, invalided.

The 22nd June 1865.

No. 631 *of* 1865.—The services of Captain R. deBourbel, of the Royal Engineers, temporarily attached to the Dooar Field Force, are replaced at the disposal of the Public Works Department, from the date on which he may be relieved from his present duties.

No. 632 *of* 1865.—With reference to the Notification from the Public Works Department, No. 332 of the 25th November 1864, the services of Captain G. N. Kelsall, Royal Engineers, are replaced at the disposal of the Public Works Department.

The 23rd June 1865

No. 633 *of* 1865.—With reference to G. G. O. No. 695 of the 17th November 1863, the following rule relative to the transfer of men on the Unattached List to other regiments on the departure of their own from India, is published for general information and guidance :—

Commanding Officers of Regiments ordered Home will place themselves in communication with departmental Officers under whom any of the men of their regiments may be employed on the Unattached List, in view to ascertaining the wishes of such men.

If the soldier desires to remain in India, he must elect to be transferred to some regiment of his own Arm of the service, enumerated in the General Order of the Commander-in-Chief directing the volunteering, and in such case his decision will be communicated with the least possible delay to the Officer Commanding his Corps, who will then take all the requisite steps to effect his exchange to the regiment he selects.

Should he decide not to remain in India, he will be sent to his regiment forthwith and without further reference.

No. 634 *of* 1865.—His Excellency the Governor General in Council is pleased to make the following promotion in the Medical Department :—

Deputy Inspector General of Hospitals J. Naismith, with temporary rank to be a Deputy Inspector General of Hospitals, *vice* Deputy Inspector General of Hospitals J. H. Butler, deceased.

H. W. NORMAN, *Col.*,
Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

No. 981.

Simla, the 23rd June 1865.

Notification.—Under the provisions of Section 2, Act XVIII. of 1865, and in exercise of the power and authority therein reserved, the Governor General in Council is pleased to exempt from stamp duty, a certain Instrument or Deed of Trust executed by several of the Mysore Princes, constituting the Official Trustee, Charles Swinton Hogg, Esq., to act on their behalf as Official Trustee of their portions of the Mysore grant, aggregating upwards of two lakhs and eighty thousand Rupees.

By Order of the Governor General in Council,

E. H. LUSHINGTON,
Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

No. 226.

ESTABLISHMENT.

Simla, the 17th June 1865.

Notifications.—The following transfers have been made in the Public Works Department of the Central Provinces, with effect from the 3rd instant :—

Lieutenant C. E. Shepherd, Bengal General List, Assistant Engineer, 2nd Grade, from the 1st Division Great Northern Road to the Southern Road Division.

Lieutenant R. F. Angelo, Bengal Native Infantry, Assistant Engineer, 1st Grade, from the Chief Engineer's Office to the 2nd Division Great Northern Road.

Lieutenant H. W. Clarke, R. E., Assistant Engineer, 2nd Grade, from the Southern Road Division to do duty in the Chief Engineer's Office.

No. 227.

Mr. J. M. Span, who was appointed an Assistant Engineer, 1st Grade, in the Public Works Department of the Central Provinces, in Public Works Department Notification No. 141 of the 12th April 1865, has been posted to the Kamptee Division.

No. 228.

The privilege leave for fourteen days granted to Captain H. H. Foord, Executive Engineer, Berar Division, in Public Works Department Notification No. 187 of the 25th May 1865, is cancelled at that Officer's own request.

No. 229.

The 20th June 1865.

Sergeant C. Lyons, Overseer, 1st Grade, Public Works Department, Rajpootana Circle, is granted six months' leave of absence on medical certificate, with effect from the 3rd May 1865.

No. 230.

The 22nd June 1865.

Mr. G. Thomson, Overseer, 1st Grade, Coorg Division, is granted three months' leave of absence on medical certificate, with effect from the 14th May 1865.

No. 231.

Mr. F. C. Marshall, Executive Engineer, 3rd Grade, Public Works Department, Oudh, is allowed nineteen days' leave from the 12th instant, preparatory to applying for twelve months' leave to Europe on medical certificate.

No. 232.

Corporal R. Cooper, Overseer, 1st Grade, has been transferred from the Upper Godavery Circle, to the 2nd Division Northern Road, Central Provinces.

C. H. DICKENS, *Lieut.-Col.*, R. A.
Secy. to the Govt. of India.

Orders by the Vice-Chanceller and Syndicate of the Calcutta University.

The undermentioned Students are declared to be entitled to the degree of B. M. :—

In Alphabetical order.

Jadub Chunder Banerjee.
Kedar Nath Dutt.

CALCUTTA UNIVERSITY, *The 12th June* 1865. } J. SUTCLIFFE, M. A. *Registrar.*

ADVERTISEMENTS.

LOST.

In the end of April 1865, in transit between Umritsur and Calcutta, half of the Lahore Currency Note No. 20476, for Rs. 20, dated 15th May 1862.

JHUNG, *The 15th June* 1865. } KHETTER CHUNDER NUNDY, *Sub-Assistant Surgeon.*

The Sarawuk, Jacnee, Hindustan Banking and Trading Company "Limited."

Capital two and a half crores of Rupees in shares of Rs. 100 *each.*

Calls Rs. 10 *per share on allotment.*

NO FURTHER CALLS TO BE MADE FOR 12 MONTHS.

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LALLAH CHEERUNJEE LALL, of Delhi, Banker.
LALLAH DOYARAM DOSS SARAWUK CHOWDRY, of Furrucknuggur and Calcutta, Banker and Merchant.
LALLAH MOOLCHUND CHOWDRY, of Furrucknugger, Banker.
LALLAH CHIMUN LOLL, of Jyepore and Agra, Banker.
LALLAH MOHUN LOLL, Deputy Magistrate of Noker, Saharumpore.
LALLAH BARROOMULL, of Saharumpore, Zemindar.
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Managing Director and Secretary in Calcutta:
LALLAH DOYARAM DOSS SARAWUK CHOWDRY.

PROSPECTUS.

The objects for which this Company is to be established are the transaction of general Banking, Commission and Agency business, and also of general mercantile and trading business at Calcutta (where the Head Office shall be), with Branch Agencies and Offices at Delhi, Rewarree Bhewanee, Lahore, Umritsur, Mooltan, Rawul Pindee, Peshawur, Jumboo, Cashmere, Agra, Gwalior, Allyghur, Meerut, Saharumpore, Furruckabad, Cawnpore, Lucknow, Benares, Mirzapore, Bombay, Hydrabad, Ahmedabad, Nagpore, Indore, Jeypore, Joudpore, Ajmere, Kurrachee, and Roribhuckar.

Shares available for one-half of the above Capital, the other half having already been taken up. For further particulars and information, application to be made to

DOYARAM DOSS SARAWUK CHOWDRY,
Managing Director and Secretary.

CALCUTTA, No. 186, OLD CHINA BAZAAR.

THE *GAZETTE OF INDIA.*

During the absence from Calcutta of the Members of the Government of India, or until further orders, the *Gazette of India* will be published at Simla. All communications, therefore, regarding the *Gazette* should be addressed to that Station.

Statement of Government Promissory Notes enfaced for payment of Interest in London, shewing the total amount outstanding according to the Registers received in this office, up to 7th June 1865.

	4 PER CENT.		4 per cent.	4 per cent.	4 per cent.	4 per cent.	4 per cent.	5 per cent., Public Works,	5 per cent.	5½ per cent.	3½ per cent.	4½ per cent.	TOTAL
	Transfer of 1865.	Transfer of 1824-25.	of 1828-29.	of 1832-33.	of 1835-36.	of 1842-43.	of 1854-55.	of 1854-55.	of 1856-57.	of 1859-60.	of 1853-54.	of 1856-57.	RUPEES.
Amount brought forward from Statement dated 29th May 1865	83,800	53,000	300	26,07,100	23,69,600	1,00,49,000	70,35,400	33,58,300	4,94,25,700	2,59,66,000	17,600	16,000	10,09,81,800
ADD—													
Amount enfaced at Madras, as per Registers received up to date.													
Amount enfaced at Bombay, as per ditto ditto ditto	... ...	... ...	... ...	... ...	11,000	3,18,000	2,34,900	... ...	3,49,500	50,000	... ...	... ...	9,63,400
Amount enfaced at Calcutta up to date	85,800	... ...	... ...	... ..	10,500	20,000	1,78,100	1,700	4,09,100	11,55,800	... ...	... ...	18,61,000
Total ...	1,69,600	53,000	300	26,07,100	23,91,100	1,03,87,000	74,48,400	33,60,000	5,01,84,300	2,71,71,800	17,600	16,000	10,38,06,200
DEDUCT—													
Amount removed from the London Books, as per Registers received up to date	... ...	... ...	... ...	7,600	... ...	.. ...	... ...	... ...	11,500	1,000	... ...	... ...	20,100
Total ...	1,69,600	53,000	300	25,99,500	23,91,100	1,03,87,000	74,48,400	33,60,000	5,01,72,800	2,71,70,800	17,600	16,000	10,37,86,100

FORT WILLIAM,
LOAN OFFICE;
The 15*th June* 1865.

R. P. HARRISON,
Acctt. Genl. to the Govt. of India.

Department of Issue of Paper Currency.

NOTICE.

Collectors, or Officers acting as such, requiring to adjust Calcutta Circle Government Currency Notes which may be on their hands, are informed that the Bank of Bengal is the Agency of the Office of Issue of Paper Currency, Calcutta; and that all Calcutta Notes should be sent to the Secretary and Treasurer, Bank of Bengal, Calcutta, with a request that a Transfer Receipt may be granted in lieu.

CALCUTTA MINT, *The 9th June* 1865. } H. HYDE, *Head Commissioner.*

NOTICE.

Full Currency Note No. 64545, dated the 11th July 1861, for Rs. 20. Application for payment of its value has been made to the Secretary of the Bank of Bengal, Calcutta.

S. W. MYLES,

Ghazeepore. *Church Clerk.*

PRELIMINARY ANNOUNCEMENT.

IMPORTANT INDIGO FACTORIES FOR SALE.

To be sold by Public Auction on or about the 20th instant (unless previously disposed of by private contract)—

By order of the Mortgagees,

The well-known Indigo Factories called the Allumchund Concern, at Allahabad, with valuable Talook property attached thereto and Koontee crop now in the ground;

also,

The Koorsun Factory, Allahabad, with Koontee crop, both lately the property of N. Flouest, Esq., deceased. Further particulars and conditions of sale will be published, and in the mean while applications to be made to Messrs. W. Moran and Co., Old Mint Mart, Calcutta, and Messrs. Barrow, Sen, and Watson, Old Post Office Street, Calcutta.

NOTICE.

Letters intended for this office having frequently been sent to Hyderabad in Scinde, owing to the insufficiency of the direction, it is requested that all Officers having correspondence with the undersigned, will be so good as to address the covers—

To THE ACCOUNTANT GENERAL,
Hyderabad,
BOLARUM.

BOLARUM, *The 30th May* 1865. } E. SIMPSON BYRNE, *Acctt. Genl., Hyderabad.*

Just published—Price Five Rupees.

VOLUME II.

OF

SELECTIONS

FROM

CALCUTTA GAZETTES

OF THE

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SEVENTY YEARS AGO.

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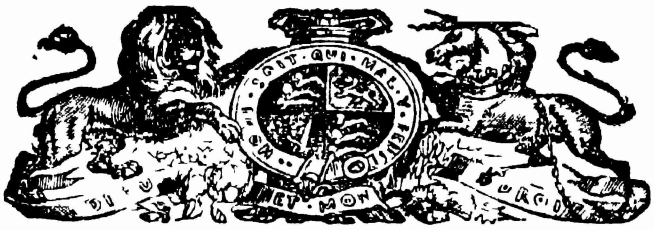
No. 19.



SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, JUNE 24, 1865.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees four annas if sent by Post.*

No Official Orders or Notifications the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

Government of India.

HOME DEPARTMENT.

Cyclone of the 5th October 1864.

From the Right Hon'ble the Secretary of State for India, to His Excellency the Right Hon'ble the Governor General of India in Council,—(dated 25th April 1865.)

I have to acknowledge the receipt of your letters dated 9th January (No. 2), and 14th February (No. 14) 1865, with the special narratives of the Lieutenant Governor of Bengal and the annexed correspondence, relative to the destructive hurricane with which Calcutta and the neighbouring districts were visited on the 5th of October last.

2. I have perused these documents with deep and painful interest, and I greatly deplore the grievous loss of life which occurred among the people of the districts more immediately exposed to the fury of the storm and the accompanying inundation.

3. The local Officers seem to have acted with the greatest energy and promptitude in affording relief to the large number of people who were left in the suffering districts destitute of food and shelter; and I cordially approve the steps taken by the Lieutenant Governor of Bengal, with the view of mitigating the effects of the calamity, and of affording support to the local Officers in their laudable efforts.

4. The operations of the Committee which was formed among the residents of Calcutta for collecting subscriptions and affording relief to the sufferers, call for the warmest acknowledgments of Her Majesty's Government; and it is evident, from the statement given of the amount of food and clothing which they distributed, that their measures must have tended in an important degree to alleviate the sufferings of the destitute population.

5. I notice with much gratification the promptitude and liberality with which Heralall Seal, the proprietor of the Mundle Ghât estate in the Howrah district, afforded relief to his distressed tenantry immediately after the storm; and the measures taken by that gentleman to provide against the sickness with which the people on his property were subsequently threatened, afford further proof of his enlightened benevolence.

6. Some melancholy instances are afforded of loss of life on board ships which foundered either at sea or in the lower reaches of the river Hooghly; but in the port of Calcutta the loss of life seems to have been small, in comparison with the large amount of property which was destroyed. The measures proposed for the greater security of the shipping, and the better protection of the trade of Calcutta, will be considered hereafter in the proper departments.

7. There had evidently not been time, when the narratives of the Lieutenant Governor were written, for the collection of full statistical information as to the effects of the hurricane; but I request that I may hereafter be furnished with complete statements of the loss of human life, and of the value of the property of all kinds, both public and private, which have been caused by this terriable visitation.

PUBLIC WORKS DEPARTMENT.

Alguada Reef Lighthouse.

Extract from the Proceedings of the Right Hon'ble the Governor General of India in Council, P.W. Dept.,—(No: 588 C, dated 12th June 1865.)

READ :—

Letters Nos. 624C and 624C (P) of 24th April, and No. [illegible]C of 4th May 1865, from Lieut. Colonel A. Fraser, R. E., Supdt. of Lighthouses.

RESOLUTION.—Lieutenant Colonel Fraser has reported the completion of the Alguada Reef Lighthouse and the establishment of the light on the night of the 23rd April 1865. The Viceroy and Governor General in Council has received this announcement with great satisfaction.

2. Situated a few miles to the southward of Cape Negrais, the S. W. extremity of Pegu, and in the direct course of trade, the Alguada Reef now contributes to the safety of the mariner, of whom it has hitherto been the dread.

3. With the advent, in 1852-53, of British power on the mainland of Pegu, the erection and sure maintenance of a Lighthouse on this Reef became possible, and the claims of a rapidly expanding commerce soon made this possibility a necessity.

4. The Government of the day was not slow to recognise its duty. Scarcely had Pegu been formally declared a British Province, when the Governor General, the Most Noble the Marquis of Dalhousie, after visiting the Reef, determined to obtain a project for the erection of a Lighthouse upon it.

5. Circumstances prevented this being done till the season of 1856-57, when Lieutenant Colonel (then Lieutenant) Alexander Fraser, of the Royal (Bengal) Engineers, was ordered to make the survey and other preliminary investigations.

6. These completed, Lieutenant Fraser was, early in 1857, deputed to England, there to visit the most remarkable Lighthouses in positions analagous to that of the Alguada Reef, and, after communication with Engineers eminent in this branch of the profession, to submit his designs.

7. Having visited the chief Lighthouses on the coasts of England and Scotland, and having received much assistance and valuable information from Mr. T. Stevenson, one of the Consulting Engineers to the Board of Commissioners of Northern Lighthouses, as also from Mr. A. Cunningham, the Secretary, Lieutenant Colonel Fraser submitted his designs to the Home Authorities, and returned to India in 1858, fully prepared to enter upon the execution of the work.

8. Lieutenant Colonel Fraser's proposals were approved both by the Home and Indian Governments, but it was not till December 1859 that the Government of India was in a position to resume the public works it had been compelled by financial pressure to suspend. The Alguada Reef Lighthouse was one of the first selected, and Lieutenant Colonel Fraser, who was fortunately available to undertake its construction, applied himself to the task with a zeal and judgment which have ensured success.

9. To land on the Reef is always a difficulty. For a vessel to be thrown on it at any time is almost certain destruction, and in any but the calmest weather the seas break over it. A first care, therefore, was the formation of a suitable Marine Establishment for the transport and landing of materials, for the safe conduct of operations, and for a secure refuge in stress of weather. Skilled workmen had to be brought from Madras and even from Hong-Kong. Materials, provisions, and water, had also to be arranged for.

10. The foundations had to be cut in the solid rock to a depth of 7½ feet below H. W. spring tides, with the sea breaking over and filling the pit at high water, and very little wind preventing all work.

11. For the lower foundation courses, sandstone was quarried and dressed on the Reef. For the tower, granite had to be obtained from Callagouk, 200 miles, and Singapore, 1,200 miles, distant. Upwards of 4,000 tons of granite in heavy blocks, some weighing nearly four tons, requiring accurate dressing, had to be shipped and conveyed to the Reef, and there placed in position, the landing involving an almost daily contest with the elements. This was accomplished in four seasons, of which three proved very unfavorable, with the loss of no life, but only of a few boats, of one lighter with 40 tons of stone, and with injuries to only a few of the workmen.

12. The forethought, resource, energy, and perseverance displayed, and the anxiety, risk, exposure, and hardships endured, entitle Lieutenant Colonel Fraser and all under his orders to the highest commendation.

13. The first stone was laid on the 14th February 1861. Lieutenant Colonel Fraser can now point to a granite tower, showing a first class revolving light, 144 feet above high water mark, and visible, in clear weather, from a distance of 20 nautical miles.

14. It is seldom that it falls to the lot of any individual, in India especially, to carry through from beginning to end a work of such magnitude and extending over so long a period. The work itself is unique, certainly in the East, and, whether regard be had to cost, execution, or rate of progress, may challenge comparison with its somewhat smaller prototype, the Skerryvore on the coast of Scotland.

15. The Governor General in Council offers to Lieutenant Colonel Fraser the cordial thanks and congratulations of the Government of India on the successful issue of his labours.

16. His Excellency in Council desires also to acknowledge the good services of those to whose willing and efficient assistance Lieutenant Colonel Fraser bears testimony. The first of these is Lieutenant J. M. McNeile, of the Royal Engineers, who has been Lieutenant Colonel Fraser's chief assistant from the commencement of operations. Captain Baker and Mr. Darwood, of the Marine service, have been long on the works, and have been most favorably mentioned for the ready manner in which they have rendered any assistance in their power, and not merely in the performance of their own peculiar duties. Of the services of these three Officers the special approbation of the Government of India is recorded. Mr. Bennett, Assistant Engineer of Singapore, Lieutenant Spragge, of the Royal Engineers, who was com-

pelled by severe illness to quit the works, Messrs. White, Reid, and Nelson, of the Public Works Subordinate Establishment, Captain W. Eales (deceased), Captain J. Eales, and Mr. Collier, of the Marine service, are also specially mentioned. Lieutenant Colonel Fraser also records his obligations to Lieutenants Aylesbury and Philbrick, of the Indian Navy, and to Mr. Outram, as Masters Attendant of Bassein, and Mr. O'Brien, the Pilot there.

17. The valuable service rendered to trade, and, indeed, to the cause of humanity generally, by the conversion of this once dreaded Reef into the means of enabling vessels to navigate this portion of the Bay of Bengal in comparative security and confidence, must ever be a source of the highest gratification to all engaged on this important work.

ORDER.—Ordered, that a copy of this Resolution be forwarded to Lieutenant Colonel Fraser for his information and for communication to the several Officers named in paragraph 16.

Maintenance of Clergymen to minister to Railway Servants.

From the Government of India, to the Right Hon'ble the Secretary of State for India,—(dated 5th May 1863.)

The spiritual destitution of the Station of Sahibgunge having been noticed by the Bishop of the Diocese, His Lordship applied to the Agent East Indian Railway for a contribution in aid of the maintenance of a Clergyman at that Station, in the interests of the Railway employés located there. The Agent has declared his inability to entertain the Bishop's application, having on a former reference* been instructed by the London Board to the effect that they have no power to appropriate Revenue to such a purpose without the consent of the Shareholders, and that they would decline to entertain any similar applications.

* Maintenance of a Clergyman at Rajmehal approved in Secretary of State's Railway Despatch, dated 8th November 1860, No. 91.

2. We are of opinion that a regulated grant-in-aid from Revenue should be made for the maintenance of Clergymen wherever the Christian employés of a Guaranteed Railway Company are so numerous as to justify the measure; holding, as we do, that the Railway Company is bound, equally with the Government, to provide means of spiritual consolation and instruction for their respective Establishments; whilst, to put it on the lowest ground, the outlay would be more than compensated for by the increased respectability and good conduct of the employés. We accordingly refer the case for your favorable consideration in view to a decision being come to, as regards the East Indian Railway Company, with the consent of all parties concerned.

From the Right Hon'ble the Secy. of State for India, to His Excellency the Right Hon'ble the Govr. Genl. of India in Council,—(dated 15th August 1863.)

I have received a Despatch from your President in Council, of the 5th May last, No. 31, relating to an application for contributions from the East Indian Railway Company in aid of the maintenance of a Clergyman at Sahibgunge, and to a proposal that a regulated grant-in-aid from Revenue should be made for the maintenance of a Clergyman wherever the Christian employés of a Guaranteed Railway Company are so numerous as to justify the measure.

2. Upon receipt of this Despatch, I invited the Directors of the Railway Company to state their views on these proposals, and have now received their reply. They state that, although deeply impressed with the great importance of provision being made for the religious instruction to the Railway servants in India, they are of opinion that the "Railway Company being a purely commercial society, it forms no part of its duties, nor does it appear to the Board within its objects, to provide for the spiritual instruction of its servants;" and further, that "the application of the funds of the Company, as a principle, to any other than the defined business and objects of the enterprise in which the proprietors are engaged, seems to the Board of doubtful legality."

3. Under these circumstances I do not consider it advisable that the Railway Company should be asked to contribute in the manner proposed.

4. I must leave the subject to be dealt with by your Excellency's Government, and shall not object to any reasonable aid you may think it right to afford from the funds of the State.

From the Govt. of India, to the Right Hon'ble the Secy. of State for India,—(dated 29th December 1864.)

In your Despatch No. 45 (Railway) of 1863, you stated your opinion that it was unadvisable (on the grounds urged by the Directors of the East Indian Railway Company) to call upon a Railway Company to contribute by a grant-in-aid from Revenue towards the maintenance of Clergymen to minister to its servants, at the same time expressing your willingness to sanction any reasonable aid that we might think it right to afford to supply this want from the funds of the State.

2. This opinion was communicated to us in reply to our Despatch No. 31 (Railway) of 1863, in which we had briefly stated our view as to the responsibilities, in this respect, of the Government and the Railway Companies, with which you did not concur. As, on further consideration, the subject appears to us of some importance, we desire to address you on it again more fully.

3. It has hitherto been the rule to maintain Clergymen, at the expense of the State, only to minister to Government establishments, except in the Presidency Towns. The Government has hitherto not taken on itself the obligation of providing Clergymen (whether of one persuasion or another) for the general public, though it has signified its readiness to give liberal grants-in-aid to communities willing themselves to subscribe for the purpose.

4. It is very essential that the Government should take care that the ecclesiastical charges, which have of late years increased considerably, and are still likely to increase further, should not be allowed to be swelled by any irregular departure from the principle hitherto acted upon, and we therefore hesitate to recognize claims put forward for the supply of Clergymen for the large Railway communities that have sprung up of late years at many of the chief Railway Stations in all parts of India, on any other basis than that which we have adopted in dealing with like proposals from the community generally.

5. At the same time, it is obvious that the mass of Railway servants are not of that class from which subscriptions, or at least adequate

subscriptions for such objects can be looked for, and it is extremely unlikely that any spontaneous action on the part of the Railway servants will be sufficient to supply the funds necessary to provide a Clergyman even after making due allowance for the Government grant-in-aid.

6. You will no doubt concur with us in considering that the advantages to be obtained by the appointment of a Clergyman to minister to the European communities created at the larger Railway Stations are beyond question; and that looking at the matter merely as regards the interests of the Companies, the tendency to improve the character of the subordinate staff, and thereby to increase their efficiency, would be of much importance.

7. Under such circumstances we think that the Board of Directors of the East Indian Railway might be again invited to consider the proposal which we before submitted. The question may reasonably be regarded as one affecting the general relations of the Railway Company and its servants, and the end to be gained an important advantage to both parties. Te realize this advantage in their own behalf, a contribution from the funds of the Company which is certain not to be large, might, as it seems to us, be very properly given by the shareholders; and the donation, so far as it represented a contribution in behalf of the poorer class of the Company's servants, would virtually be nothing more than a small and appropriate addition to their emoluments in the shape of a provision for the ministration to their spiritual wants, at the charge of their employers.

8. We are informed that an arrangement, such as we speak of, is now in force at Kotree, where the Sindh Railway Company and the Flotilla Company unite in maintaining a Clergyman, the Government also aiding; and we think that such an arrangement might with much propriety be adopted as a general principle. If provision for this class of wants is not made in the manner we now suggest, we are a at loss to see how it can be met.

From H. M.'s Secy. of State for India, to the Govn. of India,—(dated 15th April 1865.)

Upon receipt of your Excellency's Despatch of the 29th December last, No. 89, the Directors of the East Indian Railway Company were made acquainted with the views therein expressed, relative to the proposal for the contribution of a grant-in-aid by a Railway Company from its Revenue towards the maintenance of Clergymen to minister to its servants. In reply the Directors state that they adhere to the opinions recorded by them in 1863, which were communicated to you in my Railway Despatch No. 45 of the 15th August 1863.

2. You are aware that the Directors have, on the suggestion of the Archdeacon of Calcutta, invited voluntary subscriptions from the shareholders towards raising a fund for the objects contemplated by you. The shareholders have responded to the appeal by subscribing about £7,500, which will be applied by the Archdeacon to those objects. I agree with the Directors in opinion that the above is the best means of raising funds for the purpose.

Plate-laying in the Punjab Railway.

Progress Report of Plate-laying for the month ending March 1865.

	Miles.	Chains.		Plate-laying required.	Previously		This Month		Total		Remarks.
					Linked in.	Completed.	Linked in.	Completed.	Linked in.	Completed.	
			District No. 1.	M. C.							
From	...	72	Main Line at Lahore Station	30 73	30 73 0	30 73 0	.....	.....	30 73 0	30 73 0	
To	31	65	Umritsur Station								
			District No 2.								
From	...	72	Main Line at Lahore Station	53 8	53 8 0	53 8 0	.....	.....	53 8 0	53 8 0	
To	54	...	„ towards Mooltan								
			District No. 3.								
From	54	...	Main Line	56 0	56 0 0	0 4 0	.....	7 0 0	56 0 0	7 4 0	
To	110	...	„ towards Mooltan								
			District No. 4.								
From	110	...	Main Line	56 0	56 0 0	44 0 0	.....	2 0 0	56 0 0	46 0 0	
To	166	...	„ towards Mooltan								
			District No. 5.								
From	166	...	Main Line	54 30	54 50 0	50 30 0	.....	.....	54 50 0	50 30 0	
To	220	30	Sher Shah Terminus, 11¼ miles beyond Mooltan Station...								
			Total for Main Line ...	250 31	250 51 0	178 35 0	.....	9 0 0	250 51 0	187 35 0	
			Station Yards and Sidings ...	30 67	16 35 97	13 19 97	0 47 0	0 41 0	17 2 97	13 60 97	
			Total ...	281 18	267 6 97	191 54 97	0 47 0	9 41 0	267 35 97	201 15 97	

LAHORE,
18th May 1865.

(Signed) J. HARRISON,
Chief Engineer.

Government of Bombay.

Report on the present state of Karwar.

Extract from the Proceedings of the Government of Bombay, in the Revenue Department, dated 30th May 1865.

Read the following papers :—

Letter from E. W. Ravenscroft, Esq., Offg. Chief Secy. to Govt., to the Collr. of Canara,—(No. 4557, dated 16th November 1864.)

I am directed by His Excellency the Governor in Council to request that you will have the goodness to furnish, with as little delay as possible, a carefully drawn up report upon Karwar, showing what has been done since the transfer of the district from Madras.

1. What public works have been completed, or are in progress, under the Public Works Department of Government?

2. What has been done by private persons or firms either in the way of buildings or trade?

3. What by Municipalities?

4. How far trade and agriculture have benefitted?

5. The present statistics of Karwar, vital as well as commercial.

Letter from M. J. Shaw Stewart, Esq., Collr. of Canara, to Offg. Chief Secy. to Govt.,—(No. 1128, dated 2nd May 1865.)

As directed in your letter No. 4557, dated 16th November 1864, I have the honor to submit the following report on the present state of Karwar :—

I. What public works have been completed, or are in progress, under the Public Works Department of Government.

(*a.*) An excellent road has been constructed from the head of the Beitkul Cove to the Konay Nullah. This road is in many places 100 feet wide, and is gradually being widened to that size. It has not been metalled; but metal is stored in readiness to be put on next year.

(*b.*) This road has been widened on the east side of the Cove, so as to form a wharf measuring about 3 acres. This wharf is faced with stone, and provided with landing steps and cranes. The are[illegible]creased by filling in the material [illegible]edging the centre of the Cove. [illegible] enough for large Pattimars to lie [illegible]

[illegible]wer end of this wharf the Iron [illegible] Pier has been erected. It contains 900 square yards, is furnished with 4 powerful cranes, and has 10 feet of water at ordinary high tides.

(*d.*) The Engineer's Store-yard has been put in order and filled in; store-houses and sawing-sheds erected, with lime kilns and mills, and, from being an unsightly swamp, it is now one of the best arranged and neatest store-yards I have ever seen.

(*e.*) A travellers' bungalow has been completed.

(*f.*) The light-house column on Oyster Rock has been completed, and a temporary light has been exhibited during the monsoon. It is believed that the permanent lantern ordered from England will arrive shortly in Bombay. Quarters for lascars and store-room have been built.

(*g.*) A signal flagstaff, with quarters for signalman, has been erected on a spur of Karwar head.

(*h.*) An iron girder bridge has been thrown over the Konay Nullah.

(*i.*) A "pucka" bungalow, built by the Collector, has been purchased by Government as an official residence for the Collector.

(*j.*) The following wooden houses, with corrugated metal roofs, have been erected :—

1. Temporary Church.
2. Executive Engineer's Office.
3. Residence for Executive Engineer.
4. Ditto for Assistant Executive Engineer.
5. Ditto ditto ditto.
6. Ditto for Civil Surgeon.
7. Ditto for Port Officer.
8. Ditto for Superintendent of Karwar.
9. Ditto for Superintendent of Police.
10. Ditto for Assistant Collector.
11. Post Office.
12. Electric Telegraph Office.
13. Several quarters for subordinates of the Public Works Department.

(*k.*) The following temporary buildings have been constructed of mud walls with thatched roof :—

1. Collector's Cutcherry.
2. Mamlutdar's ditto.
3. Moonsiff's ditto.
4. Dispensary at Beitkul.
5. Jail for Chinese Convict Gang.
6. Police Barracks.
7. Extensive Sheds for laborers and coolies.

(*l.*) The following permanent works have been commenced, and will soon be ready :—

1. Collector's Cutcherry.
2. Post Office.
3. Burial-ground.

(*m.*) The road from Hooblee to Karwar viâ Yellapoor and the Arbyle Ghât has (with the exception of two bridges in progress) been completed. The cartmen, who have been bringing cotton to Karwar, declare that the road is excellent.

(*n.*) The branch of this road from Bunkapore to Yellapoor viâ Moondgode is in progress, and is now passable for carts. It is expected that the bridge over the Gungawully River at Shiddlegoondy will be completed during next season.

(*o.*) The approach to Karwar by the Kyga Road has not made much progress. The work was handed over last season to a Contractor (Mr. Jerome Burns), who did not succeed as was expected. It may be estimated that not more than one-fourth or one-fifth of the requisite amount of work has been completed. But so long as the Arbyle Ghât Road is kept in good order, there is no urgent cause for hurrying the opening of the Kyga Ghât. The work on the road has been carried on departmentally during the present year, and great progress has been made. In the beginning of May, I brought 14 carts down from Yellapoor to Mullapoor by this road, and they descended the Ghât at night without any accident.

II. What has been done by private persons or firms in the way of buildings or trade.

(a.) Messrs. W. Nicol and Co. have established an Agency at Karwar, and have built a large Bungalow, a Press-house, and an Office at Konay, and a Saw-mill at Mullapoor. The Press-house contains a Brunton's Patent Press, capable of pressing about one hundred bales of cotton per diem. The Saw-mill at Mullapoor contains powerful machinery, and is worked by steam. It is, I believe, Messrs. W. Nicol and Co.'s intention to move it to Kodibag at the mouth of the river. They have a boat-building establishment in connection with the Saw-mill, from which many small cargo boats have been turned out. They have built one large boat of teak and iron, and are now building another of the same description. The timber used by them is chiefly obtained from Cochin, and is cheaper than the valuable Canara take, which fetches high prices at Karwar. At the Press-house at Konay 5,797 bales have been pressed and shipped for England and Bombay. The entire charge for pressing, including gunny, roping, &c., is about Rs. 4 per bale. None of this cotton is bought at Karwar: it is merely brought here to be pressed. Messrs. W. Nicol and Co.'s local Agents are Agents for the British India Steam Navigation Company, which despatches steamers from Bombay down the Coast, touching at Karwar, twice a month.

(b.) The Manchester Cotton Company obtained a valuable site between Konay and Beitkul, where large Press-houses, containing six of Nasmyth's Presses, worked by powerful engines, have been put up. These are ready to be worked, and can press about 400 bales daily. "The Karwar Campany, Limited," has been formed with a capital of 15 lakhs to purchase these Presses, as well as Messrs. W. Nicol and Co.'s at Konay.

(c.) Several Parsees, from Bombay, and Portugese from Goa, have opened shops at Karwar, but their buildings (with the exception of one pucka shop erected at Beitkul), as well as their trade, have not as yet assumed a permanent form.

(d.) The Bombay Coast and River Steam Navigation Company has an Agency at Karwar, and their steamers touch (going and coming) once a week.

III. What by the Municipality.

(a.) The Municipal Act was introduced into Karwar on 1st July 1864, but the levy of taxes was not sanctioned until December 1864. About 6,000 feet of roadway in the site selected for the new Town have been raised and moorummed. About 15 acres of land has been set aside for the Bazaar, and such portion of these space as belonged to private individuals was purchased at a cost of Rs. 4,405. Five acres have been laid out into plots, and sold for Rs. 23,470, out of which sum Government gave Rs. 9,406 to the Municipality for Municipal works. A copy of the Municipal Rules is annexed, and the taxes mentioned in Schedule A have realized since 5th December 1864 the sum of Rs. 2,301, or at the rate of about Rs. 5,000 per annum. As this income is insufficient for the requirements of the Municipality, it has been proposed to levy a house tax, which is expected to yield about Rs. 1,500 a year.

(b.) The low sandy plain at Konay is very ill adapted as the site of a large town. In respect to the drainage, conservancy, water supply, and road-making, as well as building materials, I have never seen a place that presented so many natural difficulties; and much care, labor, and expense are requisite to make Karwar what it ought to be. Road-making and draining especially are so difficult and expensive, that the Municipality must trust to Government for liberal pecuniary assistance, without which their progress would be lamentably slow. The work which is now most urgently required is the continuation of the sea road to the river side at Kodibag, opposite Sudashewghur, which Government has undertaken to construct. The Public Works Department has been asked to furnish a plan and estimate for this road as soon as possible.

(c.) A Charitable Dispensary has been established at Karwar.

(d.) An Anglo-Vernacular School, attended by about 50 Scholars, has been established; and a General Library, which has 49 subscribers, and already contains about 600 volumes.

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